

**Agenda for the  
Regular Meeting of the  
Englewood City Council  
Tuesday, February 18, 2014  
7:30 pm**

Englewood Civic Center – Council Chambers  
1000 Englewood Parkway  
Englewood, CO 80110

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of Minutes of Previous Session.
  - a. Minutes from the Regular City Council Meeting of February 3, 2014.
6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.
  - a. Jason Clark, Water Production Supervisor will be present to address City Council regarding the dedication of the Ultraviolet Disinfection System at the Allen Plant to the late Joe Pershin, former Water Production Administrator at the Plant.
7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment.

8. Communications, Proclamations, and Appointments.
  - a. A proclamation declaring the month of February as African American History Month.
  
9. Consent Agenda Items
  - a. Approval of Ordinances on First Reading.
    - i. Council Bill No. 8 – Recommendation from the Police Department to adopt a bill for an ordinance approving a memorandum of understanding with the East Metro Auto Theft Team authorizing Englewood’s participation in a multi-agency law enforcement task force. **Staff Source: Jeff Sanchez, Deputy Chief of Police.**
    - ii. Council Bill No. 9 – Recommendation from the Police Department to adopt a bill for an ordinance authorizing the application for, and acceptance of, Victim Assistance Law Enforcement (VALE) grant funding for 2014 in the amount of \$19,435.82. **Staff Source: Jeff Sanchez, Deputy Chief of Police.**
    - iii. Council Bill No.10 – Recommendation from the Police Department to adopt a bill for an ordinance approving the acceptance of funds from the U.S. Department of Justice - Office of Justice Programs - Bulletproof Vest Partnership/Body Armor Safety Initiative to assist Police Department in the purchase of bulletproof vests. **Staff Source: Jeff Sanchez, Deputy Chief of Police.**
  - b. Approval of Ordinances on Second Reading.
    - i. Council Bill No. 7, approving an Intergovernmental Agreement entitled “Federal Equitable Sharing Agreement and Certification” authorizing the acceptance of forfeiture monies from the Department of Justice and the Department of the Treasury.
  - c. Resolutions and Motions.
  
10. Public Hearing Items.
  - a. Continued from February 3, 2014: A public hearing to gather input on Council Bill No. 60, authorizing amendments to Title 16: Unified Development Code regarding Home Occupations.
  
11. Ordinances, Resolutions and Motions
  - a. Approval of Ordinances on First Reading.
  - b. Approval of Ordinances on Second Reading.

- c. Resolutions and Motions.
  - i. Recommendation from the Finance and Administrative Services Department to approve a resolution authorizing a transfer and supplemental appropriation of funds for Building System Replacements, Road and Bridge Repair, Permit Tracking System development, and a Solar Garden Project in the total amount of \$567,000. **Staff Source: Frank Grylewicz, Director of Finance and Administrative Services.**
  - ii. Recommendation from the Public Works Department to approve, by motion, the purchase of an oil distributor for the Streets Division. Staff recommends awarding the contract to Macdonald Equipment Company, the lowest acceptable bidder, in the amount of \$60,493. **Staff Source: Brad Hagan, Streets Maintenance Manager and Pat White, Fleet/ServiCenter Manager.**
  - iii. Recommendation from the Public Works Department to approve, by motion, the purchase of a dump truck for the Streets Division. Staff recommends purchasing the vehicle through the state bid in the amount of \$75,378. **Staff Source: Brad Hagan, Streets Maintenance Manager and Pat White, Fleet/ServiCenter Manager.**
- 12. General Discussion.
  - a. Mayor's Choice.
  - b. Council Members' Choice.
    - i. Registration for NLC Congressional Cities Conference in Washington, D.C. from March 8 to 10, 2014.
- 13. City Manager's Report.
- 14. City Attorney's Report.
  - a. City of Englewood and Colorado Intergovernmental Risk Sharing Agency v. Delvin Harell and Industrial Claims Appeals Office. Supreme Court Case No: 2014SC123
- 15. Adjournment.



## PROCLAMATION

WHEREAS, the national theme for National African American History Month 2014 is “Civil Rights in America”; and this year marks the 50<sup>th</sup> anniversary of the Civil Rights Act of 1964; and

WHEREAS, our Nation has long been a beacon of liberty and opportunity – home to patriots who threw off an empire, refuge to multitudes who fled oppression and despair; and

WHEREAS, yet we also remember that while many came to our shores to pursue their own measure of freedom, hundreds of thousands arrived in chains; and

WHEREAS, through centuries of struggle, and through the toil of generations, African Americans have claimed rights long denied; and

WHEREAS, during National African American History Month we honor the men and women at the heart of this journey – from engineers of the Underground Railroad to educators who answered a free people’s call for a free mind, from patriots who proved that valor knows no color to demonstrators who gathered on the battlefields of justice and marched our Nation toward a brighter day; and

WHEREAS, as we pay tribute to the heroes, sung and unsung, of African-American history, we recall the inner strength that sustained millions in bondage; their courage that led activists to defy lynch mobs and register their neighbors to vote and carry forward the unyielding hope that guided a movement as it bent the arc of the moral universe toward justice while seeking to dull the scars of slavery and legalized discrimination, we hold fast to the values gained through centuries of trial and suffering; and

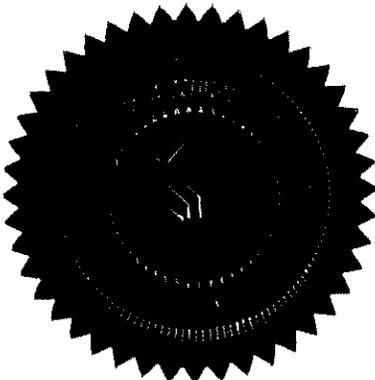
WHEREAS, every American can draw strength from the story of hard-won progress, which not only defines the African-American experience, but also lies at the heart of our Nation as a whole, affirming that freedom is a gift from God, but must be secured by His people here on earth; aspiring a new generation of leaders, and teaches us all that when we come together in common purpose, we can right the wrongs of history and make our world anew.

NOW THEREFORE, I, Randy P. Penn, Mayor of the City of Englewood, Colorado, hereby proclaim **February 2014**, as:

### **NATIONAL AFRICAN AMERICAN HISTORY MONTH**

in the City of Englewood, Colorado. I call upon public officials, educators, librarians, and all the Englewood residents to observe this month with appropriate programs, ceremonies and activities.

GIVEN under my hand and seal this 18th day of February, 2014.




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Randy P. Penn, Mayor

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 9 a i	<b>Subject:</b> Memorandum of Understanding
<b>Initiated By:</b> Police Department		<b>Staff Source:</b> Jeff Sanchez, Deputy Chief of Police

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Englewood's participation in the East Metro Auto Theft Team (EMATT) was discussed as part of the 2014 City Budget Development process. At that time, the required Memorandum of Understanding had not been drafted.

### RECOMMENDED ACTION

The Police Department is recommending that City Council approve a Bill for an Ordinance approving a Memorandum of Understanding between the Englewood Police Department and the East Metro Auto Theft Team authorizing Englewood's participation in a multi-agency law enforcement Task Force.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The East Metro Auto Theft Team (EMATT) is a multi-agency law enforcement team that combines law enforcement resources in order to better identify, investigate, and prosecute perpetrators of motor vehicle theft and related criminal activity. One Investigator from Englewood Police will be assigned to this multi-jurisdictional team to assist in criminal investigations of issues affecting not only Englewood but the entire eastern Denver metropolitan area.

### FINANCIAL IMPACT

In 2014, the Police Department will assign one officer to the East Metro Auto Theft Team. This task force is funded through Colorado Auto Theft Prevention Authority (CATPA) and will pay the officer's salary, benefits and overtime. The estimated savings to the City is \$90,000.00 for the year (2014). A current member of the Englewood Police will be assigned to this EMATT Team.

### LIST OF ATTACHMENTS

Proposed Bill for an Ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014 \_\_\_\_\_

COUNCIL BILL NO. 8  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "EAST METRO AUTO THEFT TEAM (EMATT) MEMORANDUM OF UNDERSTANDING FOR PARTICIPATING AGENCIES" BETWEEN THE COLORADO STATE PATROL, THE COUNTIES OF ARAPAHOE AND DOUGLAS AND THE CITIES OF AURORA, COMMERCE CITY AND ENGLEWOOD TO COMBAT AUTO THEFTS AND VEHICLE INSURANCE FRAUD IN THE EAST METRO AREA.

WHEREAS, the City Council of the City of Englewood authorized an Memorandum of Understanding with the Denver Metro Auto Theft Team (DMATT) by the passage of Ordinance No. 32, Series of 2009; and

WHEREAS, the number of auto thefts throughout the East Metro area have increased significantly; and

WHEREAS, it has been recognized that a large number of these thefts are committed by individuals or groups of individuals who are not restricted in any way to committing these offenses within the jurisdiction of a single agency; and

WHEREAS, the East Metro Auto Theft Team (EMATT) is a multi-agency law enforcement team that combines law enforcement resources in order to better identify, investigate, and prosecute perpetrators of motor vehicle theft and related criminal activity; and

WHEREAS, the purpose of the EMATT is to combat auto thefts and vehicle insurance fraud by sharing both personnel and capital resources and by taking an organized approach to investigating these crimes; and

WHEREAS, this Intergovernmental Agreement will formalize the relationship between the participating agencies of the EMATT for policy guidance, planning, training, public relations and media relations in order to maximize inter-agency cooperation; and

WHEREAS, each participating agency agrees that its law enforcement personnel and/or its equipment may be used in conducting overt and covert investigations involving organized or multiple motor vehicles thefts, chop shops and fencing of stolen motor vehicles and/or motor vehicles parts; and

WHEREAS, one Investigator from Englewood Police Department will be assigned to this multi-jurisdictional team to assist in criminal investigations of issues effecting not only Englewood but the entire eastern Denver metropolitan area; and

WHEREAS, the EMATT is funded through Colorado Auto Theft Prevention Authority (CATPA), no federal funds are used; and

WHEREAS this Intergovernmental Agreement provides for the sharing of services or functions by political subdivisions of the State of Colorado, specifically authorized by CRS 29-1-203 (204);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Intergovernmental Agreement “Memorandum of Understanding” relating to the East Metro Auto Theft Team, attached hereto as Exhibit A, is hereby accepted and approved by the Englewood City Council.

Section 2. The Chief of the Englewood Police Department is authorized to execute and attest said Agreement for and on behalf of the City of Englewood.

Introduced, read in full, and passed on first reading on the 18th day of February, 2014.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 21<sup>st</sup> day of February, 2014.

Published as a Bill for an Ordinance on the City’s official website beginning on the 19th day of February, 2014 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 18th day of February, 2014.

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Loucrishia A. Ellis



# East Metro Auto Theft Team (EMATT)

## MEMORANDUM OF UNDERSTANDING FOR PARTICIPATING AGENCIES



# East Metro Auto Theft Team (EMATT)

## MEMORANDUM OF UNDERSTANDING

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### **Statement of Purpose**

The purpose of this Memorandum of Understanding is to establish general guidelines for a multi-agency response to the ongoing problem of auto theft and auto theft related crimes. Auto theft is recognized as a multi-jurisdictional problem, and, therefore, a multi-jurisdictional approach focusing on complex auto theft and related crimes is the most appropriate response.

Additionally, the memorandum memorializes the anticipated relationships between the participating agencies with regard to policy, planning, training, public and media relations and operational mandates in an effort to minimize confusion and maximize operational effectiveness.

### **Mission Statement**

The East Metro Auto Theft Team is established in an effort to identify, investigate and prosecute perpetrators of motor vehicle theft and related crimes by means of cooperative engagement, use of available and emerging technology, long-term investigation and critical analysis of complex organizations, and to provide an educational component to both law enforcement and the general public.

### **Policy Statement**

Participating agency members agree that resources supplied by each agency are supplied in order to conduct criminal investigations involving auto theft and auto theft related crimes, including-but not limited to-motor vehicle theft, fraud, chop shops, and the illegal sales of stolen motor vehicles and motor vehicle parts.

The East Metro Auto Theft Team Board of Directors shall adopt appropriate standard operating procedures (S.O.P.'s) for the group. The S.O.P.'s, and any updates thereto, shall be maintained by the board of Directors and in the office of the Project Director so that they are always available to the Participating Agencies. These S.O.P.'s are intended to provide guidelines to give proper guidance to Task Force operations. They are not intended to supersede any of the participating agencies own policies and procedures.

These procedures are intended as guidelines and the Board of Directors may supersede any of the approved S.O.P.'s when, in the sound discretion of the board of Directors and at the request of the Project Director, investigative exigencies arise which require deviation there from. Changes to the S.O.P.'s shall require a majority vote of the Board of Directors to ratify the change. Any recommended changes to the standard operating procedures shall be forwarded through the chain of command and presented to the Board of Directors, if appropriate.

### **East Metro Auto Theft Team Board of Directors**

The East Metro Auto Theft Team will have a Board of Directors. The Board of Directors will consist of a representative or designee from each agency participating in the East Metro Auto Theft Team. A participating agency is defined as any agency that has an individual assigned to the East Metro Auto Theft Team on a full-time basis.

The Board of Directors will be responsible for the following:

1. The Board of Directors will address any issues of mutual concern to the participants of the East Metro Auto Theft Team. This may include budget matters, matters of policy and procedure and other matters.
2. The Board of Directors will meet quarterly to facilitate the accomplishment of East Metro Auto Theft Team goals and communicate on issues of mutual concern. The Project Director will brief the Board of Directors on relevant issues.
3. The Board of Directors will resolve any interagency conflicts that may arise during the operation of this project.
4. A majority of the entire Board shall constitute a quorum. The Board shall transact no business unless a quorum is present. In all matters requiring a vote of the Board of Directors, a simple majority of the quorum present shall prevail. In the case of a tie vote, the Project Director may cast a vote for the purpose of breaking the tie.
5. The Board of Directors will have the final determination on all matters that cannot be resolved by the Project Director.
6. The Board of Directors shall act as the Seizure Board for any monies seized by the East Metro Auto Theft Team. The Board of Directors shall make appropriate decisions regarding the expenditure or utilization of EMATT seizure money.

### **Project Director**

The East Metro Auto Theft Team will have a designated Project Director. The Project Director will be a command officer (Lieutenant or higher) from the Aurora Police Department selected by the Aurora Police Chief.

The Project Director will oversee and coordinate the operation of the East Metro Auto Theft Team on a daily basis. The Project Director will manage all administrative and operational issues including, but not limited to, the budget, grants, personnel,

purchasing and other related issues. The Project Director will facilitate the flow of relevant information to the Board of Directors.

### **East Metro Auto Theft Team Supervision**

At the outset, first line supervision of the East Metro Auto Theft Team will be conducted by an Aurora Police Sergeant. Additional first line supervision, if required by expansion of the team, will be decided by the Board of Directors. No more than one sergeant from any participating agency will be assigned to the team.

Team supervisors are responsible for the day-to-day operations of the project. They are responsible for: supervising project participants, monitoring, directing, coordinating and planning of investigations, case management, personnel training and evaluation, and any other supervisory related function relevant to Team personnel or operations. They will report to the Project Director.

Task Force supervisors will ensure that appropriate reports, forms and documentation will be completed in an accurate and timely fashion. Task Force supervisors and the Project Director will ensure that the policies and procedures adopted by the Board of Directors regarding the operation of East Metro Auto Theft Team will be adhered to by all participating members.

### **East Metro Auto Theft Team Investigations**

All investigations at East Metro Auto Theft Team will be coordinated through the Team Supervisor. Participants are strictly prohibited from conducting investigations without supervisory permission. The Project Director will appropriately forward case information to the Board of Directors during the quarterly Board of Directors meeting. All investigations shall be initiated and conducted pursuant to the adopted standard operating procedures of East Metro Auto Theft Team.

When East Metro Auto Theft Team personnel engage in enforcement action(s), they will notify a supervisor or acting supervisor from that jurisdiction as soon as practicable unless release of that information would jeopardize the case.

When a long-term case, as defined in the East Metro Auto Theft Team SOP, is initiated, the Team supervisor will attempt to assign an officer from the jurisdiction where the investigation is centered as lead case agent when practicable.

Cases investigated by the EMATT may be prosecuted at both the local and State level. The use of any and all methods of investigation including, but not limited to, search and arrest warrants, electronic surveillance and tracking, collection and storage of evidence, and interviewing of suspects, will be consistent with both established State Law and the policies and procedures of participating agencies. Evidence will be maintained and processed by the lead case agent's home agency established policies and procedures.

### **Intelligence/Staff Meetings**

Members assigned to the East Metro Auto Theft Team will participate in weekly staff meetings in order to facilitate coordination and communication of investigative information, to identify ongoing operations with which assistance may be needed, update ongoing operations with regard to progress, problems and potential for success, and to communicate issues or concerns identified by participant's home agencies.

Personnel assigned to the EMATT may utilize report forms and reporting formats required by their respective agency. For reasons of continuity and expedience, the EMATT may, however, develop certain forms to aid in arrest planning, surveillance activity, case tracking and related matters. An officer assigned to the EMATT will not be required to prepare or utilize a Team developed form, if such use is contrary to their agency's policies, practices, or regulations.

All investigative intelligence and information developed within or generated by an agency remains the property of the agency from which it was obtained. Each participating agency will control the dissemination of their information in accordance with the law and that agency's established disclosure policies.

### **EMATT Facility Security**

The East Metro Auto Theft Team shall be housed in the Aurora Police Department District 1 station on the third floor. All participating officers assigned to the EMATT shall be provided with a key card allowing access to secured district stations. All participating officers, while inside any Aurora Police secured facility, shall display credentials in plain view.

### **Asset Forfeiture**

Participants agree that any and all assets forfeited and received by the East Metro Auto Theft Team will be handled in accordance with current state and federal asset forfeiture laws. Utilization of any proceeds will be for the furtherance of the EMATT as deemed appropriate by a majority of the Board of Directors, and the Board of Directors shall act as the Seizure Board for EMATT. Under normal circumstances, Seizure Board business shall be conducted at the regularly scheduled Board of Directors quarterly meetings. EMATT will keep a record of any disbursement or expenditure of seizure monies.

The Project Director is responsible for maintaining records of any seizures and/or disbursements, and these records will be made available to the Board of Directors at quarterly meetings or upon request.

If the Project Director determines that there is an urgent need to expend seizure monies, he/she may contact members of the Board of Directors by phone or by email to receive approval. A permanent record of this communication shall be maintained with EMATT.

### **Media Information Release Policy**

Each participating agency at East Metro Auto Theft Team agrees to abide by the standard operating procedure regarding the release of information to the media. No member of the East Metro Auto Theft Team will release case information to the media without permission from the Project Director (or designee).

The Project Director has primary responsibility for the release of EMATT specific information to the news media and the general public through the Public Information Office of the involved jurisdiction and the Aurora Police Department. All requests for information made to individual agencies for EMATT specific information should be forwarded to the Project Director for review. Any incident or crime scene which results in news media attention will result in the Project Director or on-scene supervisor coordinating with the Public Information Officer for the affected/involved jurisdiction to ensure the appropriate and accurate release of information.

### **Equipment and Vehicles**

Each participating agency is responsible for providing the necessary equipment and vehicle for their member(s) assigned to the East Metro Auto Theft Team. Each agency will be responsible for the security and inventory of its own equipment. Any equipment provided to the East Metro Auto Theft Team for use by the Team will remain the property of the contributing agency, which will be solely responsible for the maintenance, repair and security of said equipment.

Equipment acquired and owned by the task force may be signed out to members of a participating agency on an as-needed basis. Each participating agency agrees to replace or repair East Metro Auto Theft Team equipment if said equipment is lost or damaged through negligence or carelessness while in their employee's possession or custody.

Each participating agency agrees to provide their assigned personnel a vehicle for use while assigned to the Team. Absent specific direction, only personnel from the home vehicle agency are authorized to operate said vehicles. All vehicle expenses, including fuel and maintenance, remain the responsibility of the home agency.

Normally only City of Aurora employees may operate vehicles that are owned or leased by the City of Aurora. Other Team members must receive specific direction from an Aurora Task Force supervisor prior to operating a vehicle owned or leased by the City of Aurora.

### **Personnel**

Participating agencies assigning personnel to East Metro Auto Theft Team are asked to make that person available on a full-time basis. This will allow the EMATT to staff investigations in a predictable, efficient and effective manner.

Any officer assigned to the East Metro Auto Theft Team on a rotational basis primarily as an educational experience (not a full-time assigned position) for the officer will not be subject to reimbursement of EMATT funded overtime. Any overtime worked by a temporarily assigned officer will be the responsibility of the officer's home agency.

Each participating agency will maintain responsibility for the actions, both personal and professional, of its respective employees. Each participating member will be subject to the laws, regulations, policies, and personnel rules applicable to members of their respective agency.

The EMATT Project Director or supervisor shall notify a supervisor of the home agency of any participating officer of any complaint against a participating officer arising from any act or omission by a participating member in the course of duties associated with the EMATT. The home agency of any participating officer shall have primary responsibility for the investigation and resolution of any complaints of an administrative nature against their officer. Allegations of criminal conduct by a participating officer(s) shall be investigated by the jurisdiction in which the alleged criminal behavior occurred. This does not preclude the participating officer's home agency from conducting their own investigation into any allegations of criminal behavior.

### **Salary/Overtime Compensation**

Unless otherwise agreed to in a separate agreement or Memorandum of Understanding, participating agencies agree to assume all personnel costs (subject to the reimbursement process outlined below) for their East Metro Auto Theft Team representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency.

### **Funding/Reimbursement**

Funding for all East Metro Auto Theft Team associated operating costs shall be provided through a grant award from the Colorado Auto Theft Prevention Authority. Each grant period runs for 12 months. The continuation of the East Metro Auto Theft Team funding is contingent upon the application for and award of necessary funding through the Colorado Auto Theft Prevention Authority at opening of the appropriate grant cycle.

Pursuant to Colorado Auto Theft Prevention Authority (CATPA) funding availability and grant approval, reimbursement to participating agencies through CATPA for approved personnel expenses (salary, benefits, and overtime) will be pursued consistent with the terms of the grant, provided that the expenses were incurred as a result of the employee's work on the East Metro Auto Theft Team. Any overtime accrued in excess of established grant limits will become the responsibility of the home agency.

### **Prosecution**

The primary case agent/detective, supervisor, appropriate city or district attorney and the office of the Colorado Attorney General will, on a case by case basis, determine the most appropriate jurisdiction into which a specific case will be filed. Determination will be made on the level of prosecution most likely to support a successful prosecution and support the mission of the East Metro Auto Theft Team.

Nothing in the MOU precludes non-participating agencies from becoming the primary case filer with regard to investigations which do not, upon further investigation, require continued participation by the EMATT for successful investigation and prosecution.

### **Deadly Force and Shooting Incident Policies**

Members of the East Metro Auto Theft Team will follow their home agency's policies concerning firearms discharge and use of deadly force.

This MOU recognizes that differing Agencies utilize different resources to investigate incidents of deadly and/or potentially deadly force. Any incident involving the use of deadly or potentially deadly force occurring within the course and scope of assigned duties shall be investigated under the authority of the jurisdiction within which the event occurred. Any internal investigation resulting from the use of deadly or potentially deadly force shall be conducted by the participating officer's home agency.

The Project Director (or designee) shall immediately be notified of any use of deadly or potentially deadly force, and shall notify the participating officer's home agency as soon as practicable.

### **Use of Informants**

The use of informants is recognized as a viable investigative tool. Informant handling and documenting will be completed in accordance with the primary officer's home agency guidelines. Additionally, all informants shall be documented in accordance with the City of Aurora policies and procedures for tracking purposes.

No communication or documents will be prepared or disseminated outside the EMATT that would identify or otherwise make known the identity of any EMATT informant. If any information on a confidential informant (CI) becomes the subject of a motion for discovery or court order in any court proceeding, all participating agencies agree that all agencies shall be notified by the Project Director (or designee) prior to the disclosure of informant information.

### **Liability**

Participating agencies acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the East Metro Auto Theft Team.

Participating members shall immediately notify a Team supervisor of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the EMATT or otherwise relating to the EMATT. Upon receiving such notification, a Task Force supervisor will immediately make appropriate notification of the situation to the Project Director and any affected participating agencies.

Any and all requests for legal representation resulting from conduct associated with the officer's official duties shall be handled in accordance with the requesting officer's home agency's policies and procedures.

Any and all requests for legal representation resulting from conduct outside the normal scope of the officer's official duties shall be handled in accordance with the requesting officer's home agency's policies and procedures.

### **Duration**

The term of this MOU is for the duration of the East Metro Auto Theft Team's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

Any participating agency may withdraw from the EMATT at any time by written notification to the EMATT Project Director and the EMATT Board of Directors. Any equipment provided by the EMATT to the exiting agency shall be returned to the EMATT upon separation.

### **Conclusion**

The Board of Directors may add or delete to this document as deemed necessary. Such addition or deletion shall be reduced to writing and approved by a majority of the Board of Directors.

This document is intended to provide guidance to East Metro Auto Theft Team participants and will not supersede any agency's policies and procedures.

The undersigned East Metro Auto Theft Team participant representatives are committed to the cooperative environment that must exist to ensure the success of this important endeavor.

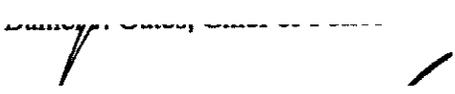
**Signatories**

The signature below indicates that the individual has received and read a copy of the East Metro Auto Theft Team Memorandum of Understanding and, as a representative of their agency, agrees to abide by the guidelines contained therein.

Arapahoe County Sheriff's Office

Aurora Police Department

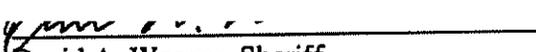
Colorado State Patrol

  
Colonel Scott G. Hernandez, Chief

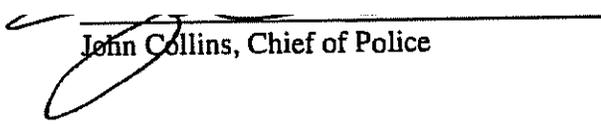
Commerce City Police Department

\_\_\_\_\_  
Troy Smith, Chief of Police

Douglas County Sheriff's Office

  
David A. Weaver, Sheriff

Englewood Police Department

  
John Collins, Chief of Police

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 9 a ii	<b>Subject:</b> 2014 Victim Assistance Law Enforcement Grant
<b>Initiated By:</b> Police Department	<b>Staff Source:</b> Jeff Sanchez, Deputy Chief of Police	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council has previously approved Victim Assistance and Law Enforcement (VALE) grants from 1990-2013.

### RECOMMENDED ACTION

The Police Department is recommending that City Council adopt a Bill for an Ordinance authorizing the Police Department to apply for and accept funding in the amount of \$19,435.82 from the 2014 VALE Grant.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The VALE Grant finances approximately 40% of the salary for the Victim Witness Advocate position which is assigned to the Englewood Municipal Court. The Victim Witness Advocate provides services for victims of domestic violence.

### FINANCIAL IMPACT

The VALE Grant will fund \$19,435.82 towards the Victim Advocate position.

The funding for the VALE grant program comes from fees that are collected by courts in the 18<sup>th</sup> Judicial District.

### LIST OF ATTACHMENTS

Proposed Bill for an Ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. 9  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A VICTIM ASSISTANCE LAW ENFORCEMENT (VALE) GRANT FROM THE VICTIM ASSISTANCE LAW ENFORCEMENT BOARD OF THE 18TH JUDICIAL DISTRICT.

WHEREAS, the City of Englewood Police Department applied for funding under the VALE Grants Program to be used for funding the Victim/Witness Program in the Englewood Municipal Court; and

WHEREAS, the Victim/Witness Program in the Englewood Municipal Court has served the victims of domestic violence since 1990; and

WHEREAS, the Englewood City Council authorized the 2013 VALE Grant acceptance by the passage of Ordinance No. 19, 2013; and

WHEREAS, the staff seeks Council approval of an Ordinance authorizing the application and if granted the acceptance of a 2014 VALE grant funding in the amount of \$19,435.82, for the period of July 1, 2014 to June 30, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the application for and acceptance of the VALE Grant and accompanying intergovernmental agreement, a copy of which is marked as "Exhibit A" and attached hereto.

Section 2. The Mayor, the Chief of Police and the Director of Finance/Administrative Services are hereby authorized to sign said VALE Grant and accompanying intergovernmental agreement on behalf of the City of Englewood.

Section 3. The funds for the VALE grant come from fines assessed by the Colorado 18<sup>th</sup> Judicial District. No Federal funds will be used.

Introduced, read in full, and passed on first reading on the 18th day of February, 2014.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 21st day of February, 2014.

Published as a Bill for an Ordinance on the City's official website beginning on the 19th day of February, 2014 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 18th day of February, 2014.

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Loucrishia A. Ellis

**For Official Use Only:**

Date Received \_\_\_\_\_ Application Number \_\_\_\_\_ V/S or L/E  
 Project Duration \_\_\_\_\_ to \_\_\_\_\_ Previously Funded Yes No All Materials Included Yes  
 No  
 Date of Board Review \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_ Award Amount \_\_\_\_\_

\*\*\*\*\*  
**VICTIM ASSISTANCE AND LAW ENFORCEMENT  
 GRANT APPLICATION**

18th Judicial District  
 6450 S Revere Pkwy  
 Centennial, CO 80111  
 (720) 874-8608  
 tlassiter@da18.state.co.us

Please be advised that the board may revoke any contract/grant if used inappropriately. Application must be typed or printed in black ink. Applications must be copied on both sides (duplex). All application pages must be numbered. Please submit one original and eight copies of your application. Limit application to 12 pages including cover sheet and signature page, but excluding attachments. Do not use a font any smaller than 12 point.

I. APPLICANT AGENCY Englewood Police Department  
 II. PROJECT TITLE Victim/Witness Advocate  
 Project Director Nancy Wenig  
 Phone 303-762-2452 Fax 303-783-6902  
 Address 3615 S. Elati St Englewood, CO 80110

E-mail: \_\_\_\_\_  
 Web page http://www.Englewoodgov.org/Index.aspx?page=487

III. AMOUNT REQUESTED \$19,435.82  
 IV. NON-PROFIT STATUS:  Yes  No  In Progress  
 Tax ID Number \_\_\_\_\_

GOVERNMENT AGENCY:  YES  NO

- V. REQUIRED ATTACHMENTS (Include with all copies):
- A. Budgets
    - 1. Agency Budget (Waived for governmental agencies)
    - 2. Victim Assistance Program Budget
    - 3. Itemized Project Budget (must include budget narrative)
  - B. Copy of 501(c) (3) IRS Tax Ruling (if applicable)
  - C. Listing of Board of Directors and Key Officers
  - D. Copy of current Financial Statement and Audit Report – (Waived for governmental agencies) (Attach to original copy only)
  - E. Management Letter from Auditor – (Waived for governmental agencies)
  - F. Random Sampling of Client Satisfaction Surveys
  - G. If you are requesting a full or part-time position, you must attach your agency's classification of that position and job description
  - H. Resume of program/project administrator

**APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE CONSIDERED**  
 (10/2009)

## **SECTION A: PROJECT CONCEPT/DESIGN**

### 1. Description of the applicant agency:

Englewood Police Department provides emergency response to crime and non-crime incidents within the City of Englewood as the primary law enforcement agency for the City.

### 2. Substantiate or quantify the problem your program is designed to address within this community, i.e. factually or with other supportive documentation.

Englewood Victim Assistance provides the Victim/Witness Advocate to assist victims of domestic violence for the Englewood Municipal Court. This position is currently held by Nicole Maynard.

### 3. Description of the project, which would be funded by VALE, funds in the 18th Judicial District. (Be specific regarding what services VALE funds will provide to this community.)

The Victim/Witness Advocate for the Englewood Municipal Court will provide support for victims of domestic violence through the Court process. The position also ensures that victims are informed of their Rights under the Constitution and assists in providing those Rights. During the period from July 1, 2012 to June 30, 2013 there were 124 arraignments of domestic violence crimes in the Municipal Court. The Victim/Witness Advocate contacted 281 victims during that time and 95 were new victims. There were 526 contacts with victims at arraignments, penalty hearings, probation reviews, motions hearings, show cause hearings, and trials. Ms. Maynard also contacted victims through telephone calls, personal appointments, and letters. These contacts were to answer questions, inform victims of their Rights, and to discuss needs. Ms. Maynard also counsels family members who come to Court with the victims. We expect the need for services to remain the same, or increase, for this upcoming Grant cycle.

### 4. A. Identify and describe the project's goals and objectives. Your objectives must be measurable and specific.

- To provide a Victim/Witness position to ensure support for victims of domestic violence through the Court process according to the standards set forth in the *Victim's Bill of Rights*.
- To ensure that victims in the Englewood Municipal Court are informed of their Rights under the *Victim's Bill of Rights*.
- To provide follow-up with victims after Court.
- To educate victims of the dynamics of domestic violence.
- To provide referrals to appropriate community resources such as Victim Compensation, counseling, legal or financial assistance.
- To maintain contact with agencies or individuals such as Victim Compensation, Interfaith Task Force, Human Services, shelters and therapists to maintain up-to-date resources available to the victim.
- To work closely with the probation officer to be sure that the goals of therapy are being met and the needs of the victim are being considered.

**(Section A question 4. A. continued)**

- To keep a client "check list" form for each domestic violence client served. This checklist will include referrals made, Victim Compensation application given, therapists suggested and restitution requests.
- To maintain Court information, brochures and referral resources for clients from various ethnic backgrounds using translation and counseling services listed in our Resource Book.

B. What is your timetable and work plan for accomplishing your objectives?

Our timeline is ongoing.

5. A. Address what problems, if any, you anticipate in implementing the program/ project goals and objectives.

Last year there was a change in procedure for the Municipal Court that made it difficult to receive timely and accurate information regarding hearings or probation appointments. Ms. Maynard has been extremely responsive to this dynamic and is maintaining a high level of victim contact despite the change.

B. How do you plan to resolve these problems?

Victim Assistance has an excellent working relationship with the Prosecutor's Office and the Court. Victim Assistance is part of a collaborative effort to solve the problem and represent victims in the solution. This includes constant conversations with all parties to ensure victims are being kept informed and considered in the solutions.

**SECTION B: SERVICE INFORMATION**

1.A. Define the population and geographic area targeted for services through this project.

This program will be available to all victims of domestic violence who are victimized in Englewood and whose case is heard in the Englewood Municipal Court.

B. If the project is not located entirely in the 18th Judicial District, what percentage of services would be for victims and witnesses in the 18th Judicial District?

The project is located entirely in the 18<sup>th</sup> Judicial District.

2. A. Include a brief description of how the project strives to provide culturally competent services. Cultural competence is defined as a *process* in which an agency continuously strives to achieve the ability to work effectively within the cultural context of an individual or community from a diverse culture/ethnic background. If the project does not now strive to offer culturally competent services, how will you do this in the coming grant period? Include cultural competency efforts in the goals and objectives in Section A, question 4.

- We use the services of the Translation and Interpreting Center for translations in Court to include spoken languages as well as sign language.
- The Court is equipped with a FM system for people who are Deaf or Hard of Hearing.
- All of the Court information is translated into Spanish. We have a Spanish speaking translator for Court hearings which are scheduled once a month for all the Spanish speaking clients. These services are provided by Executive Languages. Ms. Maynard is currently revising the Spanish language information packet.
- We have available a list of agencies from many ethnic backgrounds and are constantly updating this list. Examples include: Asian Pacific Development Center, DOVE, CHAI, Servicios de la Raza, and Muslim Family Services.
- We have packets designed specifically for the Gay, Lesbian, Bisexual, Transgendered, Queer population and the unique dynamics presented.
- We have packets designed to address male victims.

In addition to providing information in native languages, the program strives to provide culturally competent services by attending trainings and meetings to update the Advocates. Ms. Maynard and Ms. Wenig have attended several trainings, provided by the Colorado Coalition Against Domestic Violence and the Colorado Organization for Victim Assistance, on culturally appropriate responses and interventions. Ms. Maynard and Ms. Wenig take advantage of training opportunities to further cultural competence and the conversation continues within the Victim Assistance Unit and the Department as a whole. This information is then incorporated into the packet for victims.

3. A. What number of people is in need of the services as proposed by this project?  
(Identify source of information).

From July 1, 2012 to June 30, 2013, there were 95 new victims and 281 total victims served in the Municipal Court as documented by Court records. The Victim/Witness Advocate attempts to contact all those whose lives are impacted by domestic violence, identified by either offense reports or incident reports. During this time period, Ms. Maynard contacted 225 people affected by domestic violence outside of the Court process. These victims made contact with the Police Department and the incident did not rise to the level of an arrest; however, services were offered to these victims. Historically, these numbers remain similar and we anticipate the same level of need for the upcoming Grant cycle.

B. What number of people are currently being served in the 18th Judicial District and how? (Identify source of information.) *Explain how you report client numbers and service numbers.*

At present, there are approximately 255 domestic violence cases active in the Municipal Court and approximately 195 victims being served from 2013 and previous years. Each month, approximately 10 cases are finalized; hence, the number of active cases is constantly changing. Ms. Maynard keeps a written record of all client contacts. At any point during the case, a victim may require notification or intervention. There are approximately 15 to 20 new cases each month.

C. *What percent of the victims you serve are monolingual Spanish speakers?*

There are approximately 2% monolingual Spanish speaking victims. One afternoon per month is designated as a Spanish-speaking docket. All of the Spanish-speaking domestic violence cases are set on this docket. The Victim/Witness Advocate has access to an interpreter and is able to interview victims.

D. How will your project diminish or eliminate any duplication of services?

There are no similar services available through the Municipal Court. This program is designed to refer victims to agencies that are providing services outside of the scope of this program to avoid duplication of services. Each victim is matched with referral resources that meet her or his needs.

E. How will you coordinate services with similar or like programs?

The program is designed to refer victims to services that will respond to their specific needs. Through appropriate referral, each victim is matched with referral resources that meet her or his needs. Ms. Maynard continuously networks with other agencies and advocates in order to better coordinate services when needed.

4. Define the management plan for the program/project. Identify specifically who will:

- be responsible for daily operations
- be accountable for the expenditure of grant funds.
- Include the resume of program/project administrator

The Victim Services Coordinator, Nancy Wenig is the coordinator and supervisor of the project. The Victim/Witness Advocate, Nicole Maynard, submits a daily record of court activity to Ms. Wenig which includes victim name, referrals made, victim compensation information, restitution requests, and any other pertinent information. Ms. Wenig is responsible for the expenditure of the grant funds under the supervision of the Chief of Police, John Collins, and the Director of Finance, Frank Gryglewicz.

5. *In compliance with the American Disability Act (ADA) on providing access, how does your agency provide accommodations for crime victims or victim service providers?*

The Englewood Municipal Court is fully accessible to persons with disabilities. We collaborate with other service providers to address all areas of disability.

## **SECTION C: EVALUATION INFORMATION**

1. How will you evaluate whether or not this project has met its stated goals and objectives? Explain how you evaluate the following:

- Process Evaluation – Did the program meet the project goals and objectives?
- Outcome/Impact Evaluation – Did the program achieve the stated outcomes or behavioral changes? How did the delivery of services improve the life situation of your clients?
- Overall agency success – How do you measure if your agency is “doing its job” well?

**Process Evaluation:** The program will have met its goals and objectives by providing all victims with ongoing support during and after his/her Court appearance. The program will have provided all victims with information on their Rights.

**Outcome Evaluation:** Our goal is to provide safety and support for victims of domestic violence as well as to educate victims of the Court process and services available. One measure of success is the rate of acceptance of Victim Compensation applications for counseling. In 2013, 76 victims contacted at arraignment took applications for Victim Compensation. We constantly encourage victims to participate in counseling. We hope our efforts to encourage counseling for victims will help them recover. It is difficult to quantify this measure of success. It is noted; however, that many victims contact the Advocate months or years later when facing a separate life crisis. It is a measure of success that the victim feels safe contacting Ms. Maynard to receive counsel, advice, and knowledge of systems even after the case is final.

**Overall agency success:** Our relationship with the City Attorney and Judge is excellent. The process with which victims move through the Court process is efficient and informative. Survey reports and follow up phone calls reflect a positive experience in the Court. Victims are encouraged to keep in contact with Ms. Maynard to work through any rough spots in their recovery. If a victim has a concern or complaint at any time during the process, it is immediately staffed between Ms. Maynard and Ms. Wenig. The concern is then addressed where the problem is concerned. This may be with Court, Prosecution, or Victim/Witness procedures and the solution is always victim-centered and allows the victim to have a voice in the process.

## **SECTION D: CONSTITUTIONAL AMENDMENT**

1. A. Define how this program/project will address the guidelines for assuring the rights of victims and witnesses as outlined in the Victim Rights Act (Section 24-4.1-302.5 C.R.S.). List specific services to be provided.

- Each victim is given a brochure at the arraignment, which outlines Victim's Rights. These Rights are reviewed by the Victim/Witness Advocate periodically to determine the victim's comprehension of these Rights.
- Victims are informed of each stage of his/her case.
- No plea agreement is made with the defendant without consulting the victim.

B. What services are you providing as outlined in the VALE statute (Section 24-4.2-105C.R.S.).

The legislative intent is to assure that all victims of and witnesses to crime are honored and protected by law enforcement agencies in a manner no less vigorous than the protection afforded criminal defendants.

- The Victim/Witness Advocate ensures compliance with the guideline listed for assuring these Rights to victims of domestic violence in the Municipal Court.
- Englewood Police Department has made a clear effort to provide victims with the services entitled to them by the Victim Bill of Rights. The Court program addresses all of these rights including: the right to be present and informed of critical stages in Court, to be heard at Court proceedings, and to confer with the prosecuting attorney prior to disposition.
- The victim is asked if restitution is requested and is offered services such as financial or legal help, shelters, or Victim Compensation.
- The Victim/Witness Advocate has a private office and waiting room at Court so that the victim is assured of safety and privacy before Court proceedings.

2. Does your agency have a statutory mandate to notify victims under the Victim Rights Amendment (VRA)? X\_\_\_ Yes \_\_\_ No *If yes, please answer the following questions.*

### **How do you presently notify victims of their rights under the VRA?**

A folder is provided to each victim at arraignment which contains No Contact Orders, literature on Domestic Violence, a Victim's Rights brochure, Victim Compensation application and the Victim/Witness Advocate's card. Ms. Maynard explains these Victim's Rights to her/him at the arraignment and continues to keep the victim informed of changes in the status of the case, schedules and results of hearings, availability of property return and other information pertinent to the victim's case while the case is active in Court. Ms. Maynard makes these contacts in person, by phone, and by letter.

**What is the approximate number of clients who receive notifications made by your agency each year? (N= # of clients)**

There were approximately 281 victims contacted from July 1, 2012 to June 30, 2013. These victims had cases in various stages of resolution, each needing information on the status of the case as well as other information pertinent to the victim's needs, e.g. property return, Victim Compensation information, etc.

**What is the approximate total number of notifications made by your agency each year? (N=# of total notifications)**

Each victim has on average 5 contacts with the Victim/Witness Advocate during the course of the case in Court. With approximately 124 new victims in this time period, this equals 620 contacts with victims in person, by phone, and by letter. Ms. Maynard also contacts victims who have made a police report that does not result in charges filed to assess safety, review Rights, and provide resources and support. These additional contacts are not reflected in these numbers.

3. Does your agency have a victim rights brochure that is distributed to victims?

A Victim's Rights Brochure is attached. This is given to each victim at the time of arraignment or through a letter sent to the victim. We are in the process of updating the brochure.

4. Describe the training your agency provides to all staff and volunteers about informing victims of their rights under the Colorado Constitution.

Each volunteer and staff member has received the *Colorado Guidelines for Assuring the Rights of Victims of and Witnesses to Crimes*. The volunteers have discussed this report as well as the *Victim's Rights Brochure* at meetings and are instructed to give the brochure to victims when appropriate on calls and to answer any questions regarding these Rights. All Police and Fire personnel were trained on Victim Rights during the in-service academy in April 2013.

Date of last training: April 2013

Training provide by: Nancy Wenig

What percent of your staff attended the above training?

100%

5. Are any of the services provided by your agency eligible for Crime Victim Compensation reimbursement? \_\_\_\_\_ Yes  No

Is so, list services:

Does your agency regularly conduct or receive Crime Victim Compensation training for direct services staff or volunteers?  Yes \_\_\_\_\_ No

Describe the training on victim compensation that has been provided to your staff and volunteers.

Date of last training: November 2013

Training provide by: Nancy Wenig

### **SECTION E: ADDITIONAL COMMENTS**

Nicole Maynard was hired as the Victim/Witness Advocate in May of 2008. Since that time, Ms. Maynard has immersed herself in the work of advocating against domestic violence. She has gained experience by attending various and multiple trainings throughout the State to maintain current best practices. This allows her to provide excellent advocacy to victims in court. Attached is a list of training for Ms. Maynard in 2013.

**SECTION F: BUDGET SUMMARY/FINANCIAL INFORMATION**

1. Total amount of VALE funds requested: \$ 19,435.82

2. Will the amount requested provide full funding for the project? \_\_\_ Yes x No  
 If no, please identify other funding sources and amounts received within the past two years.  
 Do not include other VALE funding. Please also include other pending grants.

Source	Date of Award	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Are you currently receiving VALE funding? x Yes \_\_\_ No  
 If yes, please identify the Judicial District and the amount requested and received. Include current year funding from the 18th Judicial District.

Date of Award	District	Amount Requested	Amount Received
July 1, 2013	18th	\$18,507.00	\$18,507.00
_____	_____	_____	_____
_____	_____	_____	_____

4. Will you be applying to other VALE Boards for funding? \_\_\_ Yes x No  
 If yes, please identify the Judicial District and the amount requested.

Date of Request	District	Amount Requested
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Does your agency receive victim assistance funding through the use of a municipal surcharge? If yes, **you must** provide specific documentation outlining your agency's surcharge intake for the last **two fiscal years** and detailing how these funds were distributed.

The program does not receive any funding through the use of a municipal surcharge. We are in a unique position within the State in that we have the only elected Municipal Judge; Judge Vincent Atencio. We have approached Judge Atencio yearly to request a VALE surcharge to no avail. Judge Atencio will not add any surcharges to the fines no matter the case.

6. If an increased amount of funding over this year's **grant award** is being requested, please provide written justification. Substantiate or quantify factually or with other supportive documentation.

The amount we are requesting is an increase from previous Grant requests due to increased employee costs and a continued decline in revenues.

7. Anticipated client fees *if any*, from this project: \$ N/A

8. Describe the volunteer and/or in-kind services that will be used for this program/project.

No volunteer hours contribute to this program.

9. What percentage of your total budget is this request for VALE funds?

Approximately 40% of the total budget would be VALE funded.

10. If this program/project is to continue beyond the initial funding period, please identify how the program/project will be funded in the future. Please be specific.

The City of Englewood is committed to the Victim/Witness Program in the Municipal Court. The City is willing to provide the difference in the total cost of the program. The City of Englewood has been responsible in assuming their share of successful programs when it is financially able.

The applicant assures that the following signatories and all staff and volunteers assigned to this project have read and understand the rights afforded to crime victims pursuant to section 24-4.1-302.5 C.R.S. and the services delineated pursuant to sections 24-4.1-303 C.R.S. and 23-4.1-304 C.R.S.

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Nancy Wenig  
Typed Name of Project Director

Project Director

\_\_\_\_\_  
Signature Project Director's

\_\_\_\_\_  
Date

Chief John Collins  
Typed Name of Agency Director

Agency Director

\_\_\_\_\_  
Signature, Agency Director

\_\_\_\_\_  
Date

Frank Gryglewicz  
Typed Name of Financial Officer

Financial Officer

\_\_\_\_\_  
Signature, Financial Officer

\_\_\_\_\_  
Date

Randy P Penn, Mayor  
Typed Name of Authorized Official

Authorized Official

\_\_\_\_\_  
Signature Authorized Official

\_\_\_\_\_  
Date

Project Director: The person who has direct responsibility for the implementation of the project. This person should combine knowledge and experience in the project area with ability to administer the project and supervise personnel. He/She shares responsibility with the Financial Officer for seeing that all expenditures are within the approved budget. This person will normally devote a major portion of his/her time to the project and is responsible for meeting all reporting requirements. The Project Director must be a person other than the Authorized Official of the Financial Officer.

Agency Director: The executive director of the agency. This may in some agencies be the same person as the project director or authorized official.

Financial Officer: The person who is responsible for all financial matters related to the program and who has responsibility for the accounting, management of funds, and verification of expenditures, audit information and financial reports. The person who actually prepares the financial reports may be under the supervision of the Financial Officer. The Financial Officer must be a person other than the Authorized Official or the Project Director.

Authorized Official: The authorized official is the person who is, by virtue of such person's position, authorized to enter into contracts for the grant recipient. *This could include:* Mayor or City Manager, Chairperson of the County Commissioners, District Attorney, President of Chairperson of the Board of Directors, Superintendent, or other Chief Executive Officer.

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 9 a iii	<b>Subject:</b> Bulletproof Vest Partnership - Intergovernmental Agreement
<b>Initiated By:</b> Police Department	<b>Staff Source:</b> Deputy Chief Jeff Sanchez	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council has previously approved our participation in this program since 1999.

### RECOMMENDED ACTION

The Police Department is recommending that City Council adopt a Bill for an Ordinance authorizing the Englewood Police Department to accept funding from the U.S. Department of Justice - Office of Justice Programs - Bulletproof Vest Partnership / Body Armor Safety Initiative, which will assist the Police Department with the purchase of bulletproof vests.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Bulletproof Vest Partnership Grant Act of 1998 is a U.S. Department of Justice initiative designed to provide a critical resource to State and local law enforcement. The U.S. Department of Justice will reimburse local law enforcement, including the Englewood Police Department, 50% of the department's cost to purchase bulletproof vests for its police officers. The Police Department currently pays up to \$750 per vest. The U. S. Department of Justice has a "mandatory wear" policy which the department is in compliance with.

### FINANCIAL IMPACT

This program will reimburse the Police Department 50% towards the cost of bulletproof vests that are purchased during the grant period of April 1, 2013 through August 31, 2015. The department has been awarded \$6,752.90 for this grant period. The remainder of the cost will be paid for from the Police Department's 2013, 2014 and 2015 budgets.

### LIST OF ATTACHMENTS

Bulletproof Vest Partnership Information  
Bill for an Ordinance



**Notice: Critical Program Information** ([Click here.](#))

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## Bulletproof Vest Partnership

**NOTICE – BVP FY 14 applications to open in early April. Please ensure the contact information is up to date for your jurisdiction or law enforcement agency.**



The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement.

**ONE MILLION BVP VESTS:** Since 1999, the BVP program has reimbursed more than 13,000 jurisdictions, a total of \$277 million in federal funds for the purchase of over one million vests (1,084,081 as of October 17, 2012). BVP is a critical resource for state and local jurisdictions that saves lives. Based on data collected and recorded by BJA staff, in FY 2012, protective vests were directly attributable to saving the lives of at least 33 law enforcement and corrections officers, in 20 different states, an increase 13.7% over FY 2011. At least 13 of those life-saving vests had been purchased, in part, with BVP funds.

**News** The Bureau of Justice Assistance is pleased to announce the Fiscal Year 2013 BVP funds are available for use. The FY 2013 award funds may be used for the latest National Institute of Justice (NIJ) compliant armored vests which are ordered on or after April 1, 2013. The deadline to request payments from the FY 2013 award funds is August 31, 2015, or until all available 2013 awards funds have been requested.

The complete list of FY 2013 BVP awards can be viewed [here](#).

**Documentation Requirement:** Grantees are required to keep documentation to support the BVP vest application and payment requests for at least a three year period.

**Other Federal Funds:** Justice Assistance Grant (JAG) funds or other federal funding sources may not be used to pay for that portion of the bullet proof vest (50%) that is not covered by BVP funds. JAG or other federal funds may be used to purchase vests for an agency, but they may not be used as the 50% match for BVP purposes.

**Notice (updated 12/05/2011):** The BVP user login process was updated 11/22/2011. This update requires all existing users to register for a new BVP account and associate it with an existing agency before agency details can be viewed.

To register, please create a new user login and associate it with your current agency by providing your current account login and password. See the [BVP Account Creation Checklist](#) for an overview of the steps required, and the [BVP User and Agency Registration Guide](#) for more details on this process.

For questions regarding account migration, please do not hesitate to contact the BVP Help

## Body Armor Safety Initiative



**Body Armor Safety Initiative - An Initiative of U.S. Department of Justice.** In response to concerns from the law enforcement community, the Department of Justice (DOJ) announced an initiative to address the reliability of body armor used by law enforcement personnel and to examine the future of bullet-resistant technology and testing. As part of this initiative, the National Institute of Justice (NIJ) has examined Zylon®-based bullet-resistant vests (both new and used) and is reviewing the process by which bullet-resistant vests are certified.

### Current National Institute of Justice Body Armor Standard Q101.05

### Body Armor Labels: When in Doubt .... Check It Out (Click here for additional information)

#### NEW 1-23-14: NIJ Advisory Notice

- [ArmorShield USA, LLC Ballistic Body Armor Model GS3A08](#)

#### NEW 10-24-13: NIJ Advisory Notice

- [Safariland, LLC Models BA-2000S-HP02F and BA-2000S-SX01F](#)
- [American Body Armor Models BA-2000S-HP02F and BA-2000S-SX01F](#)
- [Second Chance Models BA-2000S-HP02F](#)

### Closed NIJ Advisory Notices and Safety Notices

### Previous National Institute of Justice Body Armor Alerts

#### 6-25-13: NIJ Advisory Notice

- [Safariland, model 2220-1](#)

#### 6-13-13: NIJ Advisory Notice

- [Pacific Safety Products Inc. Ballistic Body Armor Model 06UG2A8H](#)

#### 4-17-2013: NIJ Safety Notice

- [Point Blank Body Armor, model CB-S2-BII](#)
- [Point Blank Body Armor, model CB-S3-BIIIA-2](#)

### National Institute of Justice Body Armor Safety Initiative Website

### Body Armor Safety Initiative Archive

\*\*All media contacts should be directed to the [Office of Justice Programs, Office of Communications](#).

Desk at [vests@usdoj.gov](mailto:vests@usdoj.gov) or 1-877-758-3787. During this transition, the helpdesk is experiencing heavy call volume during peak hours. If you experience issues getting in contact with the helpdesk, please try again during off peak hours (before 10am, 12-1pm, or after 5 pm EST).

**New:** The Bureau of Justice Assistance is pleased to announce the Fiscal Year 2011 BVP funds are available for use. The FY 2011 award funds may be used for the latest National Institute of Justice (NIJ) compliant armored vests which are ordered on or after April 1, 2011. The deadline to request payments from the FY 2011 award funds is August 31, 2013, or until all available 2011 awards funds have been requested. **NEW! UPDATED Mandatory Wear FAQs**

Following two years of declining law enforcement officer line-of-duty deaths, the country realized a dramatic 37 percent increase in officer deaths in 2010. Fifty-nine of the 160 officers killed in 2010 were shot during violent encounters; a 20 percent increase over 2009 numbers. The U.S. Department of Justice is committed to improving officer safety and has undertaken research to review and analyze violent encounters and law enforcement officer deaths and injuries. Due to the increase in the number of law enforcement officer deaths, coupled with our renewed efforts to improve officer safety, beginning with FY 2011, in order to receive BVP funds, jurisdictions must certify, during the application process, that all law enforcement agencies benefitting from the BVP Program have a written "mandatory wear" policy in effect. This policy must be in place for at least all uniformed officers before any FY 2011 funding can be used by the agency. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. BJA strongly encourages agencies to consult the International Association of Chiefs of Police's Model Policy on Body Armor and to strongly consider all recommendations within that policy. This policy change was announced in October 2010 by Attorney General Holder after consulting with and receiving input from the law enforcement community.

The IACP has very generously provided both its Body Armor Model Policy and position paper to the BVP program. In order to obtain a copy of the Model Policy and position paper, jurisdictions must be registered with the BVP program. To obtain a copy of the Model Policy, contact the BVP Customer Support Center at 1-877-758-3787 or email

For additional information regarding this new BVP program requirement, click [here](#).

**BVP 50% Match Waiver:** Jurisdictions with 2009 and 2010 BVP award funds may request a financial hardship waiver during the payment request process and receive up to 100% of the cost of each vest submitted for reimbursement. Previously, a jurisdiction was only able to request up to 50% the cost of a vest with their available BVP funds. Jurisdictions requesting a waiver of the 50% match requirement may not use BVP funds toward the purchase of any vest with a total unit cost greater than \$1,200; excluding taxes, shipping and handling fees (if any) to maximize funding for all eligible jurisdictions. All standard BVP vest requirements apply to the eligible vest types.

Additionally, jurisdictions requesting a waiver have to meet criteria of financial or natural disaster hardship. The jurisdictions have to cite the source of their financial hardship during the waiver request process. Jurisdictions will be expected to keep documentation substantiating the financial hardship for four years and realize the waiver requests are open to Bureau of Justice Assistance and Office of the Inspector General audits.

Finally, all applicant jurisdictions, requesting a waiver of the 50% match, are required to certify that the jurisdiction's Chief Executive Officer formally accepts the request for the waiver and confirms the waiver justification provided. The certification must list the highest elected official from the requesting jurisdiction in order to be approved.

**Notice - Check Prior Year BVP Funds:** Prior to completing an application for FY 2011 BVP funds, it is strongly recommended that prior year participants log into the BVP system and check for prior year BVP fund balances and the "de-obligation date"/use expiration date for each year's funds. In some instances the use of prior year funds had been extended. All "Requests for Payments" must be submitted to the BVP system on or before the "de-obligation date" or the funds will be considered expired and will no longer be available.

The complete list of FY 2010 BVP awards can be viewed [here](#).

Historical BVP award information for FY 1999 through the FY 2009 can be accessed [here](#)

The complete list of FY 2012 BVP awards can be viewed [here](#).

The complete list of FY 2011 BVP awards can be viewed [here](#).

For immediate assistance, please call us toll-free at 1-877-758-3787. You may also reach us by email at



[/NIJ Standards](#) [/Glossary](#) [/BVP Manuals](#)

Section Application > Review Application > Application Details

OMB #1121-0235  
(Expires: 10/31/2006)

**1. Registration**

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)
- 2. Application**
- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)
- 3. Payment**
- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

**4. Status**

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

**5. Personal Information**

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



**BVP HELP DESK**  
(Toll-Free 1-877-758-3787)

**Application Profile**

Participant	ENGLEWOOD CITY
Fiscal Year	2013
Number of Agencies Applied	0
Total Number of Officers for Application	72
Number of Officers on Approved Sub-Applications	72
<u>Unspent BVP Funds Remaining</u>	\$0.00
<u>Unspent BVP Funds Obligated for Vest Purchases</u>	\$0.00

**Sub-Application Profile**

Fiscal Year	2013
<u>Vest Replacement Cycle</u>	5
Number of Officers	72
Zylon Replacement	0
<u>Emergency Replacement Needs</u>	
Stolen or Damaged	0
Officer Turnover	0

**Application Details**

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
BA-2000S-XT01	28	\$650.00	\$18,200.00	\$0.00	\$18,200.00
<b>Grand Totals</b>	<b>28</b>		<b>\$18,200.00</b>	<b>\$0.00</b>	<b>\$18,200.00</b>

**Award Summary for FY2013 Regular Fund**

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$18,200.00	\$6,752.90	09/11/13	Approved by BVP
<b>Grand Totals:</b>	<b>\$18,200.00</b>	<b>\$6,752.90</b>		

[Return](#)



[← NJ Standards](#) [↘ Glossary](#) [↘ BVP Manuals](#) [↘](#)

Section Status > Current Status > Jurisdiction Current Status

OMB #1121-0235  
(Expires:  
10/31/2006)

**ENGLEWOOD CITY, CO**

This "Status" page shows any pending actions that must be completed prior to program deadlines. It also provides you with payment(s) status for tracking your requests for approved funds.

- Red X's indicate your attention is needed in order to complete a task for action.

**CURRENT ACTIVITY STATUS**

Application  Approved by BVP [View Details](#)

**AVAILABLE AWARDS**

Fiscal Year	Award Amount	Total Paid	Total Requests	Eligible Balance	Expiration Date
2013	\$6,752.90	\$0.00	\$0.00	\$6,752.90	08/31/2015

**1. Registration**

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)

**2. Application**

- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)

**3. Payment**

- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

**4. Status**

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

**5. Personal Information**

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



**BVP HELP DESK**  
(Toll-Free 1-877-758-3787)

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. 10  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING THE CITY OF ENGLEWOOD, COLORADO TO APPLY FOR AND ACCEPT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE - OFFICE OF JUSTICE PROGRAMS, FOR THE PURCHASE OF BULLET PROOF VESTS.

WHEREAS, the Bullet Proof Vest Partnership Grant Act of 1998 is a U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement; and

WHEREAS, the U.S. Department of Justice will reimburse local law enforcement, including the Englewood Police Department, 50% of the department's investment in the purchase of bullet proof vests for its police officers; and

WHEREAS, federal funds from the U.S. Department of Justice fund are used; and

WHEREAS, the U.S. Department of Justice has mandated a "mandatory wear" policy to qualify for receiving the Grant and the Englewood Police Department is in compliance; and

WHEREAS, the City Council of the City of Englewood, Colorado authorized application and acceptance of funds from the U.S. Department of Justice - Office of Justice Programs to assist the Englewood Police Department with the purchase of bullet proof vests by Ordinance No. 29, Series of 2011; and

WHEREAS, the passage of this Ordinance authorizes the Englewood Police Department to apply for and accept funding from the U.S. Department of Justice - Office of Justice Programs, which will assist the Englewood Police Department with the purchase of bullet proof vests for this grant period of April 1, 2013 through August 31, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the application for and acceptance of a grant from the U.S. Department of Justice - Office of Justice Programs to assist the Englewood Police Department with the purchase of bullet proof vests for the grant period of April 1, 2013 through August 31, 2015.

Introduced, read in full, and passed on first reading on the 18th day of February, 2014.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 21st day of February, 2014.

Published as a Bill for an Ordinance on the City's official website beginning on the 19th day of February, 2014 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 18th day of February, 2014.

---

Loucrishia A. Ellis

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2014

COUNCIL BILL NO. 7  
 INTRODUCED BY COUNCIL  
 MEMBER OLSON

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "EQUITABLE SHARING AGREEMENT AND CERTIFICATION" BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF TREASURY AND THE CITY OF ENGLEWOOD, COLORADO ACCEPTING FORFEITURE MONIES DURING FISCAL YEARS 2014, 2015, 2016 AND 2017.

WHEREAS, this Agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of the federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating law enforcement agencies; and

WHEREAS, Englewood periodically receives monies from the Justice Department and Treasury Department for participation or assistance provided to these agencies such as the Internal Revenue Service (IRS), Drug Enforcement Agency (DEA) and the Federal Bureau of Investigation (FBI); and

WHEREAS, these funds are used for law-enforcement purposes, such as equipment purchases and training; and

WHEREAS, to participate in the program, the City annually signs the Equitable Sharing Agreement and Certification; and

WHEREAS, the City places this money into designated accounts and tracks deposits, expenditures and interest on these accounts; and

WHEREAS, within 60 days of the City's fiscal year-end the Equitable Sharing Agreement and Certification is signed and submitted to the federal government certifying compliance with federal forfeiture guidelines; and

WHEREAS, the Englewood City Council authorized an IGA for Federal Equitable Sharing Agreement and Certification" for the fiscal years of 2010, 2011, 2012 and 2013 by the passage of Ordinance No. 17, Series of 2012; and

WHEREAS, authorization of this Agreement is required for the City of Englewood's continuation of participation in the United States Department of Justice Federal Equitable Sharing and Certification Program and will authorize the City's participation in this program for 2014, 2015, 2016 and 2017; and

WHEREAS, federal funds are being used for these projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the “Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2014, which will be received in February 2015, attached hereto as “Exhibit A”.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes the “Federal Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2015, which will be received in February 2016.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes the “Federal Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2016, which will be received in February 2017.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes the “Federal Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2017, which will be received in February 2018.

Section 5. The federal forfeiture funds, proceeds and or property are received from the Department of Justice and Treasury Department. The federal forfeiture funds, proceeds and or property are to be used in accordance with federal statutes and guidelines. The costs to the City are limited to the costs of processing and accounting of the funds, which costs are budgeted annually in the Police budget.

Section 6. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2014.

Section 7. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2015.

Section 8. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2016.

Section 9. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2017.

Introduced, read in full, and passed on first reading on the 3rd day of February, 2014.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 7th day of February, 2014.

Published as a Bill for an Ordinance on the City's official website beginning on the 5<sup>th</sup> day of February, 2014 for thirty (30) days.

Read by title and passed on final reading on the 18th day of February, 2014.

Published by title in the City's official newspaper as Ordinance No. \_\_\_\_, Series of 2014, on the 21<sup>st</sup> day of February, 2014.

Published by title on the City's official website beginning on the 19th day of February, 2014 for thirty (30) days.

---

Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2014.

---

Loucrishia A. Ellis



# Equitable Sharing Agreement and Certification



OMB Number 1123-0011  
Expires 9-30-2014

- Police Department   
  Sheriff's Office   
  Task Force (Complete Table A)  
 Prosecutor's Office   
  National Guard Counterdrug Unit   
  Other

*\* Please fill each required field. Hover mouse over any fillable field for pop-up instructions. \**

**Agency Name:** \_\_\_\_\_

**NCIC/ORI/Tracking Number:**

--	--	--	--	--	--	--	--	--	--

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Finance Contact:** First: \_\_\_\_\_ Last: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Preparer:** First: \_\_\_\_\_ Last: \_\_\_\_\_

Same as Finance Contact Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Independent Public Accountant:** E-mail: \_\_\_\_\_

**Last FY End Date:** \_\_\_\_\_ **Agency Current FY Budget:** \_\_\_\_\_

- New Participant:** Read the Equitable Sharing Agreement and sign the Affidavit.  
 **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.  
 **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

## Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)		
2	Federal Sharing Funds Received		
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		
4	Other Income		
5	Interest Income Accrued <span style="float: right;">Non-Interest Bearing <input type="radio"/> Interest Bearing <input type="radio"/></span>		
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$0.00	\$0.00
7	Federal Sharing Funds Spent (total of lines a - m below)	\$0.00	\$0.00
8	Ending Balance (difference between line 7 and line 6)	\$0.00	\$0.00

<sup>1</sup> Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions		
b	Total spent on overtime		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements		
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)		
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
l	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	<b>Total</b>	\$0.00	\$0.00
o	Did your agency receive non-cash assets? <input type="radio"/> Yes <input type="radio"/> No If yes, complete Table H.		

Please fill out the following tables, if applicable.

**Table A: Members of Task Force**

Agency Name	NCIC/ORI/Tracking Number										
	<table border="1" style="width: 100%; height: 100%;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> </table>										

**Table B: Equitable Sharing Funds Received from other Agencies**

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds								
Agency Name: <input style="width: 450px;" type="text"/>										
NCIC/ORI/Tracking Number: <table border="1" style="display: inline-table; width: 150px; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>										

**Table C: Equitable Sharing Funds Transferred to Other Agencies**

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds								
Agency Name: <input style="width: 450px;" type="text"/>										
NCIC/ORI/Tracking Number: <table border="1" style="display: inline-table; width: 150px; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>										

**Table D: Other Law Enforcement Expenses**

Description of Expense	Justice Funds	Treasury Funds

**Table E: Expenditures in Support of Community-Based Programs**

Recipient	Justice Funds	

**Table F: Windfall Transfers**

Recipient	Justice Funds	Treasury Funds

**Table G: Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Table H: Other Non-Cash Assets Received**

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

**Table I: Civil Rights Cases**

Name of Case	Type of Discrimination Alleged			
	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender
<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other _____		

**Paperwork Reduction Act Notice**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

**1. Submission.** This Document must be submitted to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov) within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

**3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.

**4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

**6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

# Before you can print this form, you must correct the following

**errors:** The undersigned official certifies that they have read and understand their obligations under the Equitable Sharing Agreement and that the information submitted in conjunction with this Document is an accurate and complete representation of the information reported during the reporting period and that the information is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

**Enter the Agency name on page 1.**

**Enter an NCIC/ORI/Tracking Number on page 1.**

**Enter the Agency state on page 1.**

**Enter the first name of the Finance Contact on page 1.**

**Enter the last name of the Finance Contact on page 1.**

**Enter the e-mail address for the Finance Contact on page 1.**

**Enter the phone number for the Finance Contact on page 1.**

**Enter the e-mail address for the Independent Public Accountant on page 1.** if you answered yes to the above question, complete Table 1

**Enter the Agency's fiscal year end date on page 1.**

**Indicate if this form is for a "New Participant", "Existing Agency",**

**or an "Amended Form" on Page 1**

**You must answer the Civil Rights question in the blue box on 5.**

**You must enter the name of the Agency Head on page 5.**

**You must enter the title of the Agency Head on page 5.**

**You must enter the e-mail address of the Agency Head on page 5.**

**You must enter the name of the Governing Body Head on page 5.**

**You must enter the title of the Governing Body Head on page 5.**

**You must enter the e-mail address of the Governing Body Head on page 5.**

**Subscribe to Equitable Sharing Wire:**

The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

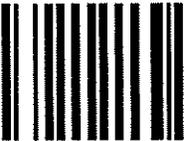

## Final Instructions:

Step 1: Click to save for your records

Step 2: Click to save in XML format

Step 3: E-mail the XML file to

Step 4: Fax THIS SIGNED PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY	
Entered by _____	
Entered on _____	
<input type="radio"/> FY End:	Date Printed: January 16, 2014 09:33
<input type="radio"/> NCIC:	Agency: _____
<input type="radio"/> State:	Finance Contact: _____
	Phone: _____
	E-mail: _____

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 10 a	<b>Subject:</b> Public Hearing for an Ordinance Adopting Amendments to Title 16 Concerning Home Occupations
<b>Initiated By:</b> Community Development Department		<b>Staff Source:</b> Chris Neubecker, Senior Planner

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council directed staff to work on this topic at the May 20, 2013 study session. On January 21, 2014 the Council approved the first reading of an ordinance, and set the date of February 3, 2014 for a public hearing. After taking testimony during the public hearing on February 3<sup>rd</sup>, City Council continued the hearing to February 18, 2014 to allow additional public testimony.

### PREVIOUS PLANNING COMMISSION ACTION

The Planning and Zoning Commission conducted a public hearing on October 8, 2013 to consider the proposed amendments to Title 16: Unified Development Code amending regulations concerning Home Occupations. Two members of the public were present, and one member testified. Following discussion, the Commission voted in favor of forwarding to City Council proposed amendments to Title 16, Chapter 5: Use Regulations.

### RECOMMENDED ACTION

The Community Development Department recommends conducting a public hearing and taking testimony on the proposed ordinance concerning amendments to Title 16: Unified Development Code regarding Home Occupations.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

In May 2013, the City Council raised concerns about limitations of the current Home Occupations regulations, which currently prohibit Home Occupations in the R-1-A zone district. The discussion was initiated because of a complaint about a business being conducted from a residence in the R-1-A zone district. Council asked staff and the Planning and Zoning Commission to research this issue as it pertains to R-1-A, in order to allow uses that do not impact the neighborhood, such as bookkeeping, internet based businesses, consulting services, and similar uses which do not require clients coming to the home.

The current regulations provide a starting point for addressing home occupation in R-1-A as well as in the other zone districts. In order to limit impacts on adjacent residential neighbors, the current home occupation regulations prohibit certain types of businesses as home occupations. The complete list of prohibited home occupations is found on page 4 of the proposed ordinance under subsection *f. Prohibited Uses*. Under the proposed ordinance, the prohibited home occupations would apply in all residential zone

districts, including R-1-A. However, administrative and clerical functions of those businesses could be conducted as a home occupation.

Also as a means of lessening impacts to neighbors, the current regulations establish operational requirements. The operational requirements were modified by Planning and Zoning Commission and on first reading by Council. As currently proposed in the ordinance, the operational requirements would apply as shown in the following chart:

Home Occupation Requirement	R-1-A	All Other Residential Zone Districts
Secondary to principal use of dwelling as residential	✓	✓
More than one home occupation permitted	✓	✓
Limited to office type activities	✓	
Customers and deliveries allowed		✓
Signage allowed; 1 s.f. maximum; permit required		✓
Operated entirely within dwelling unit (no outside storage or display)	✓	✓
Operated only by persons living in dwelling unit (No assistants or employees)	✓	✓
No separate outside entrance for business	✓	✓
Registration required		(removed)
Allowed in detached accessory structure		
Sale of items made, grown or produced on premises		✓
Sale off premises of personal or household items like Avon, Amway, etc.		✓
Hours and manner of such uses and impacts not in violation of nuisance regulations	✓	✓
Incidental storage allowed for items made on premises and/or sold off premises. All storage must be indoors		✓
Home occupation, including storage, shall not utilize more than 50% of indoor space of dwelling unit	✓	✓

✓ = Applies in zone district(s)

Red indicates new or revised requirements

## **ANALYSIS**

The nature of doing business in the nation and world has changed and is ever-evolving. Modern telecommunications and the Internet allow people to work from almost any location for many industries. Advances in e-commerce, based primarily around the internet, allow individuals to run businesses from their homes with virtually no impact to surrounding residential uses. Home based businesses are a growing trend worldwide.

Accommodating home based businesses encourages entrepreneurs to open businesses in the community. This in turn can stimulate additional economic activity within the community.

## **FINANCIAL IMPACT**

Indirectly, it is anticipated that this ordinance will have a positive financial impact on the community by encouraging existing entrepreneurs to open businesses at home, encouraging new home buyers to locate in the City, and preventing "leakage" of sales tax dollars when home based businesses owners shop locally.

## **LIST OF ATTACHMENTS**

Planning and Zoning Commission Staff Report – October 8, 2013  
Planning and Zoning Commission Minutes – October 8, 2013  
Planning and Zoning Commission Findings of Fact - Case No. 2013-04  
Bill for an Ordinance



# M E M O R A N D U M

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**TO:** Planning & Zoning Commission

**THRU:** Alan White, Community Development Director

**FROM:** Chris Neubecker, Senior Planner

**DATE:** October 8, 2013

**SUBJECT:** Case 2013-04 – Public Hearing  
Home Occupations

**Recommendation:**

The Community Development Department requests that the Planning and Zoning Commission review, take public testimony, and forward to City Council a recommendation for adoption proposed amendments to the Unified Development Code of the Englewood Municipal Code Title 16, Chapter 5, Use Regulations, relating to Home Occupations.

**Background:**

On August 6, 2013, the Planning and Zoning Commission reviewed a proposal to modify the existing policy on Home Occupations (EMC 16-5-4 C 1). This review was in response to City Council concerns about existing restrictions that prohibit home occupations in the R-1-A district, which is the residential district with the largest single family lots in the city. The Planning and Zoning Commission supported most of the proposed changes, but raised concerns about some of the proposed restrictions on commercial vehicles in light of the Citizen Referendum 2D, codified as Ordinance 1, Series 2011/2012.

Some Commissioners also raised concerns about prohibiting customers, clients and vendors from visiting a home occupation, although the majority supported this restriction.

**Analysis:**

Home Occupations are currently allowed as an Accessory Use in the following zoning districts: R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B. Staff believes that home occupations could also be allowed in the R-1-A district (and any other district where residential uses are allowed) with certain restrictions to protect the residential character of neighborhoods. These proposed restrictions include:

All zoning districts:

- Require materials and equipment used in the home occupation to be stored indoors.
- Allow only one sign per residence, up to one square foot

R-1-A zoning district:

- Prohibit customers, sales and display of goods in the R-1-A district
- Prohibit exterior business signs in the R-1-A district

### **Commercial Vehicles:**

At the last meeting on this topic, some Commissioners raised concerns about prohibiting parking of commercial vehicles at home occupations in the R-1-A zone district. This idea was proposed to preserve the residential character and exclusivity in the R-1-A districts. However, enforcement of this rule may be a challenge. While some commercial vehicles may fit within a garage out of sight from the neighbors, others will be forced to park in a driveway or on the public street. Also, it may be difficult to distinguish between a commercial vehicle used in a home occupation from a commercial vehicle on a normal service call, or a vehicle that an employee takes home from work. Due to these concerns, and those raised by the Commission about Ballot Question 2D concerning parking vehicles on private property, the draft language on parking has been removed from the attached version.

### **On Site Sales:**

The Commission did not reach a consensus on sales of goods or services at a home occupation in the R-1-A zone district. Some agreed that sales, customers and clients should be prohibited at home occupations to preserve the residential character. Others felt that customers and clients coming to a residential property is a vital part of operating a home based business. The concern focused on the number of people and cars per day, which could be significant at times. One example was a tax accountant in March and April, which could generate many daily visits during the busiest times of the tax season.

Staff does not believe that customer traffic will be significant in most cases. Also, we believe that most of the potential impacts of home occupations are addressed by limiting uses, prohibiting exterior signs and display of merchandise, and prohibiting employees not residing at the property.

### **Recommendation**

Staff believes that the proposed draft code changes capture the intent and consensus of the Commission from the meeting of August 6. We believe that these changes help support new business development but will also help protect community character in the R-1-A districts.

A motion to recommend approval of the ordinance to City Council is needed.

### **Next Steps**

We hope to develop a consensus of the Planning and Zoning Commission at this hearing. If the Planning & Zoning Commission recommends approval, we intend to move forward with first reading of an ordinance by City Council.

### **Attachments:**

Amendments to Title 16 pertaining to Home Occupations

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
October 8, 2013**

**Minutes and audio are available at:**

<http://www.englewoodgov.org/Index.aspx?page=152>



**I. CALL TO ORDER**

The regular meeting of the City Planning and Zoning Commission was called to order at 7:00 p.m. in the City Council Chambers the Englewood Civic Center, Chair Brick presiding.

Present: Bleile, Townley Knoth, Roth, Welker, Kinton, Freemire (alternate), Brick

Absent: King (excused), Fish (excused)

Staff: Alan White, Director of Community Development  
Chris Neubecker, Senior Planner  
Nancy Reid, Assistant City Attorney



**II. APPROVAL OF MINUTES**

September 17, 2013

Knoth moved:

Roth seconded: TO APPROVE THE September 17, 2013 MINUTES

Chair Brick asked if there were any modifications or corrections.

AYES: Bleile, Knoth, Roth, Kinton, Brick

NAYS: none

ABSTAIN: Townley, Welker

ABSENT: King, Fish

Motion carried.



### **III. STUDY SESSION**

Case #2013-04 Home Occupations

Chair Brick and Mr. Knoth stated for the record that they live in the R1A Zone District but that it will not affect their objectivity.



Motion to Open Public Hearing

Roth moved;

Welker seconded to open Public Hearing for Case #2013-04 Home Occupations

AYES: Bleile, Townley, Knoth, Roth, Welker, Kinton, Brick

NAYS: none

ABSTAIN: none

ABSENT: King, Fish

Chris Neubecker, Senior Planner, was sworn in. Proof of Publication was provided for Public Hearing.

Mr. Neubecker gave a summary of the need for the proposed changes, which were to allow home occupations in R-1-A zones, but to limit potential negative impacts. Some of the issues that have not yet been agreed upon by the Commission include commercial vehicles and on-site sales. As proposed, no customers, vendors or clients would be allowed at home occupations in R-1-A. Also, no exterior signs would be allowed in R-1-A.



Doug Cohn, 3051 S South Marion, was sworn in.

Motion to Close Public Hearing

Knoth moved;

Townley second

AYES: Bleile, Townley, Knoth, Roth, Welker, Kinton, Brick

NAYS: none

ABSTAIN: none

ABSENT: King, Fish



Motion: Case #2013-04 Home Occupations Favorable recommendation of the request as written in the staff report.

Welker moved  
Knoth seconded

Discussion



Mr. Welker made the following friendly amendment. Mr. Knoth accepted.

Section 1 e. (1) shall read:

“No assistants or employees that are not residents of the principal dwelling unit shall work at the residence.”

Ms. Reid advised that staff will refine the wording of Section 1 e. (1) if necessary.  
Vote on original motion with friendly amendment

AYES: Bleile, Townley, Knoth, Welker, Kinton  
NAYS: Brick, Roth  
ABSTAIN: none  
ABSENT: King, Fish

Motion passes 5-2

Mr. Welker moved to delete section 1 h. (1)  
Mr. Knoth seconded

“No customers, vendors, or clients shall be allowed at the site of the home occupation in the R-1-A district.”

Discussion



AYES: Bleile, Townley, Knoth, Welker, Kinton, Roth  
NAYS: Brick  
ABSTAIN: None  
ABSENT: King, Fish

6-1 vote passes.



**IV. PUBLIC FORUM**

Dr. Robert Farris was sworn in. He came in after the public hearing and wanted to ask questions about entertaining clients at his home. Mr. Neubecker provided a business card and suggested he contact staff since the public hearing was closed on Home Occupations.



**V. ATTORNEYS CHOICE**

None



**VI. STAFFS CHOICE**

Mr. Neubecker stated that he is still pursuing an area to study and commission field trip with regard to pedestrian activity on main thoroughfares.



**VII. COMMISSIONERS CHOICE**

The meeting adjourned at 8:00 p.m.

Julie Bailey, Recording Secretary

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

**IN THE MATTER OF CASE #2013-04, )  
FINDINGS OF FACT, CONCLUSIONS )  
AND RECOMMENDATIONS RELATING ) FINDINGS OF FACT AND  
TO THE UNIFIED DEVELOPMENT CODE ) CONCLUSIONS OF THE  
HOME OCCUPATIONS ) CITY PLANNING AND  
) ZONING COMMISSION  
)  
)  
)  
**INITIATED BY:** )  
**Community Development Department** )  
**1000 Englewood Parkway** )  
**Englewood, CO 80110** )**

Commission Members Present: Bleile, Brick, King, Knoth, Roth, Fish, Welker, Townley, Kinton

Commission Members Absent: None

This matter was heard before the City Planning and Zoning Commission on October 8, 2013 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from staff. The Commission received notice of Public Hearing, the Staff Report, and a copy of the proposed amendments to Title 16 Unified Development Code which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witness and reviewing the pertinent documents, the members of the City Planning and Zoning Commission made the following Findings and Conclusions.

**FINDINGS OF FACT**

1. **THAT** the City Council heard concerns from citizens relating to current limitations on home occupations in the R-1-A zone district.
2. **THAT** the City Council directed staff and the Planning Commission to research current limitations in the Unified Development Code concerning home occupations in the R-1-A zone district.
3. **THAT** the residential character of the R-1-A zone district, which contains the largest single family lots in the City, should be protected.

4. **THAT** on October 8, 2013 the Public Hearing on the Unified Development Code (UDC) Home Occupations was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
5. **THAT** notice of the Public Hearing was on the City of Englewood website from September 17, 2013 through October 8, 2013. Notice was published in the Englewood Herald September 27, 2013.
6. **THAT** the Staff Report was made part of the record.
7. **THAT** Home Occupations are currently allowed as an Accessory Use in the following zoning districts: R-1-B, R-1-C, R-2A, R-2B, MU-R-3-A and MU-R-3-B.
8. **THAT** staff believes home occupations should also be allowed in the R-1-A district (and any other district where residential uses are allowed) with certain restrictions to protect the residential character of neighborhoods.
9. **THAT** Planning and Zoning Commission determined that no assistants or employees of the business who are not a resident of the home shall perform work at the residence.
10. **THAT** Planning and Zoning Commission determined exterior signage for the home occupation should be prohibited in the R-1-A district.

### **CONCLUSIONS**

1. **THAT** on October 8, 2013 a Public Hearing on the Unified Development Code Home Occupations Amendment was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
2. **THAT** notice of the Public Hearing was on the City of Englewood website from September 17, 2013 through October 8, 2013 and was published in the Englewood Herald September 27, 2013.
3. **THAT** the zoning amendments will enhance business opportunities in the City.
4. **THAT** the zoning change conforms to Roadmap Englewood: 2003 Englewood Comprehensive Plan Objective 1-2: Actively engage in attracting new businesses to the City.
5. **THAT** the previously discussed revised amendments be forwarded to City Council.

**DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #2013-04 Unified Development Code Home Occupations be referred to the City Council with a favorable recommendation.

This decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on October 8, 2013, by Mr. Welker, seconded by Mr. Knoth, which motion states:

*CASE#2013-04, AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE RELATED TO HOME OCCUPATIONS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION WITH THE FOLLOWING CONDITIONS:*

1. *SECTION 1 h. (1) BE REMOVED:*

*"NO CUSTOMERS, VENDORS, OR CLIENTS SHALL BE ALLOWED AT THE SITE OF THE HOME OCCUPATION IN THE R-1-A DISTRICT."*

AYES:           Bleile, Townley, Knoth, Welker, Kinton, Roth  
NAYS:           Brick  
ABSTAIN:       None  
ABSENT:        King, Fish

Motion carried.

Welker moved;  
Knoth seconded:

*FURTHER THAT SECTION 1 E. (1) SHALL READ AS FOLLOWS:*

*"NO ASSISTANTS OR EMPLOYEES THAT ARE NOT RESIDENTS OF THE PRINCIPAL DWELLING UNIT SHALL WORK AT THE RESIDENCE."*

AYES:           Bleile, Townley, Knoth, Welker, Kinton  
NAYS:           Brick, Roth  
ABSTAIN:       None  
ABSENT:        King, Fish

These Findings and Conclusions are effective as of the meeting on October 8, 2013.

**BY ORDER OF THE CITY PLANNING & ZONING COMMISSION**

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John Brick, Chair

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013/2014

COUNCIL BILL NO. 60  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTERS 5, 4-C(1)(a) THROUGH (g); 5-4-C(2) AND 11-2-B, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO HOME OCCUPATIONS AND ALLOWING THEM IN THE R-1-A ZONE DISTRICTS.

WHEREAS, the City has the authority to regulate the use of land from the “Local Government Land Use Control Enabling Act,” C.R.S. 29-20-101 et. seq. and the Englewood Home Rule Charter, Nopro vs. Town of Cherry Hills Village, 504 P.2d 344 (1972); and

WHEREAS, the City has the authority to regulate home occupations, Christiansen vs. City Council of City of Golden, 757 P.2d 1121 (1988) and Jones vs. Board of Adjustments, 204 P.2d 560 (1949); and

WHEREAS, the City has adopted ordinances under its police power regulating the use of signs and creating a comprehensive system of sign standards to provide a balance between the right of businesses to identify themselves, the protection of the uses permitted and compatibility with the surrounding area; and

WHEREAS, there are additional limitations on home occupations in the R-1-A zone district in order to protect the special character and exclusivity of the R-1-A zone district; and

WHEREAS, restrictions on commercial speech are constitutional per Central Hudson Gas and Electric vs. P.S.C., 447 U.S. 557 (1980); and Board of Trustees vs. Fox, 492 U.S. 469 (1989), including prohibiting signs entirely; and

WHEREAS, the Planning and Zoning Commission found window signs for home occupations should be prohibited in R-1-A zone districts to protect the special character and exclusivity of the R-1-A zone district; and

WHEREAS, the Planning and Zoning Commission added to the list of prohibited uses; food preparation, manufacture of alcohol, and landscaping industries because these would:

- be more likely to have impacts on the surrounding area
- likely have too much impact on residential neighborhoods, and change the character of the area;
- have impacts that are more akin to commercial and industrial zones, that people don't want to see in residential zones.

WHEREAS, the City Council finds the “Cottage Food Act” 25-4-1614 C.R.S. and the Nuisance Code provide sufficient safeguards against odors, and other impacts; and

WHEREAS, the Planning and Zoning Commission recommended removing the limitation of only one (1) home occupation per dwelling unit because there may be several members of a household each operating a business; and

WHEREAS, City Council has decided that registration of a home occupations is not necessary for the enforcement of this Ordinance; and

WHEREAS, City Council found that the current 300 square foot limit on a home occupation was too restrictive; and

WHEREAS, enforcement has been identified as problematic by the Police Department and the Prosecutor due to a lack of distinction between a home office and a home occupation; and

WHEREAS, the Planning and Zoning Commission felt further defining a home office and a home occupation was unnecessary; and

WHEREAS, the Planning and Zoning Commission recommended deleting the word "incidental" in favor of the word "secondary" in the introductory paragraph because the structure is still primarily a residence.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection(C)(1)(a) entitled "*Home Occupation*" of the Englewood Municipal Code 2000, to read as follows:

[EDITORS NOTE: 16-5-4(A) and (B) contain no change and are therefore not included here]

16-5-4-C: *Accessory Uses Permitted.* Table 16-5-1.1 includes accessory uses and shows in which zoning district a specific accessory use is permitted. If an accessory use is not listed in Table 16-5-1.1, but satisfies all the general standards set forth in subsection 16-5-4.B EMC, the City Manager or designee may allow its establishment according to the procedures and criteria in Section 16-5-1.B EMC, "Unlisted Uses." In addition, all unlisted accessory uses shall be subject to compliance with the general, dimensional, and operational standards set forth in this Section 16-5-4 EMC.

1. Home Occupation. Occupations ~~customarily incidental~~ which are secondary to the principal use as a residence may be allowed when conducted in the same dwelling, provided the following standards are met:
  - a. *Districts Allowed.* Home occupations are allowed in the following districts: R-1-A, R-1-B, R-1-C, R-2-A, and R-2-B, MU-R-3-A, MU-R-3-B, MU-R-3-C, M-1, M-2, MO-2, and TSA. ~~Only one (1) home occupation shall be permitted per dwelling unit.~~ Home occupations may be permitted accessory to principal residential uses located in nonresidential districts (e.g., in a manufactured home park located in an industrial district, in a PUD that allows residential uses, or in any residential dwelling unit otherwise approved by the City) provided the home occupations complies with all requirements of residential district home occupations herein.

i. Additional Restrictions in the R-1-A District:

(a) Within the R-1-A District, the following additional restrictions shall apply for Home Occupations.

(i) Home Occupations in the R-1-A District shall be limited to activities normally conducted in an office. By way of example but not limitation, this would include the management, marketing, or accounting for a business; telecommuting (meaning working in the home using a computer terminal or video connected by wire or wireless to a business); conducting business services or operations via the internet; or writing.

(ii) No physical customer visits or deliveries relating to the Home Occupations shall be allowed in the R-1-A District.

(iii) No exterior signage shall be allowed in the R-1-A District.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsections(C)(1)(b) through (g) entitled "*Home Occupation*" of the Englewood Municipal Code 2000, to read as follows:

b. *Where Allowed on Site.* The home occupation shall be operated entirely within the dwelling unit and only by the person or persons maintaining a dwelling unit therein. The home occupation shall not have a separate outside entrance. The home occupation shall not be conducted in a detached accessory structure.

e. ~~*Registration.* All home occupations shall register with the City.~~

c. *Sales.*

(1) On the Premises. The sale on the premises of items that have been made, grown, or prepared on the premises shall be permitted. The sale on the premises of any item that has not been made, grown, or prepared on the premises shall be prohibited.

(2) Off the Premises. Sales off the premises of such items as personal or household goods such as those products offered by Avon, Amway, Fuller Brush, Watkins, etc., shall be permitted.

d. *Operational Requirements.*

(1) No assistants or employees that are not residents of the principal dwelling unit shall be ~~work~~-employed in at the home occupation residence/dwelling unit.

(2) The hours and manner of such uses and the ~~noise~~-impacts created thereby shall not interfere with the peace, quiet, or dignity of the neighborhood and adjoining properties which creates a nuisance under Title 15 of this Code.

- (3) Incidental storage shall be allowed for items made on the premises and/or sold off the premises consistent with this Section. All storage shall be indoors, including all materials, equipment, inventory and supplies.
  - (4) The home occupation, including storage of materials, equipment, inventory, and/or supplies, shall not utilize more than ~~three hundred (300) square feet~~ fifty percent (50%) of indoor space of the dwelling unit; provided, however, that this does not apply to permitted home care accessory uses.
  - (5) ~~The use of electric motors shall be limited in power, with a total limitation of one and one half (1½) horsepower, and no single unit over three fourths (¾) horsepower.~~ Only one exterior sign, up to a maximum of one (1) square foot in area, shall be allowed. The sign shall be affixed to the building, and shall be unlighted and unanimated. A Sign Permit shall be required.
  - (6) No window displays shall be allowed and no sample commodities shall be displayed outside the dwelling.
- f. *Prohibited Uses.* In no event shall any home occupation include the following business or commercial activities (except for the administrative or clerical functions related to these businesses, such as bookkeeping, marketing, and customer phone calls):
- (1) Animal hospital or kennel, animal daycare, breeders, except licensed canine and feline breeders.
  - (2) Asphalt paving business.
  - (3) Barbers, hairdressers, cosmetologists, beauticians or any activity involving the skin, hair or nails.
  - (4) Body, mechanical repair, or modification of motor vehicles.
  - (5) The sale, storage, manufacture, or assembly of guns, knives or other weapons or ammunition.
  - (6) Dump trucks.
  - (7) Restaurants.
  - (8) Towing business.
  - (9) Processes involving the dispensing, use, or recycling of hazardous or flammable substances and materials.
  - (10) Automotive vehicles sales requiring a state dealer's license.
  - (11) Medical Marijuana Centers.

- (12) Medical Marijuana-Infused Products manufacturers.
- (13) Medical Marijuana Optional Premises Cultivation Operation.
- (14) Manufacture of wine, distilled spirits, or malt beverages.
- (15) Landscaping supplies, installation, maintenance or repair.

Section 3. The City Council of the City of Englewood, Colorado hereby makes no amendments to Title 16, Chapter 5, Section 4, Subsection(C)(2) entitled “*Parking Area*” through Subsection D(2) of the Englewood Municipal Code 2000, to read as follows:

2. Parking Area.

- a. *Parking Area, (R-2-B District Only).* When an R-2-B district abuts or is adjacent to a MU-B-2 district, the parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.
  - (1) The parking area shall not have a grass surface.
  - (2) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.
  - (3) Provisions must be made for the collection of trash as per City ordinance.
  - (4) The minimum width of the parking area shall be fifty feet (50').
- b. *Parking Area, Surface (TSA District Only).* Surface parking areas, noncommercial and accessory to a principal use, are allowed subject to the following additional conditions:
  - (1) General. Such surface parking area shall be maintained as long as the principal permitted use is maintained, or until alternative parking is provided for such principal use.
  - (2) Location.
    - (a) An accessory surface parking area may be located within six hundred feet (600') of the lot containing the principal use, either within the TSA district or within a zone district that permits noncommercial parking lots, subject to a City-approved alternative parking plan and pursuant to the Station Area Standards and Guidelines, as applicable.
- c. *Remote Parking Areas.* Pursuant to Section 16-6-4 EMC, required parking may be provided as an accessory use within four hundred feet (400') of the principal

use, either within the same district or within a district that permits noncommercial parking lots. Such parking lots must be maintained as long as the principal permitted use is maintained, or alternate parking provided. Approval of an alternative parking plan is required (administrative process), pursuant to Section 16-6-4.D EMC. Such lots shall be paved, shall require a building permit, and shall be subject to the landscaping requirements of Section 16-6-7.M EMC.

3. **Satellite Dish Antenna.**

a. *Small Satellite Dish Antennas.* Satellite dish antennas of one (1) meter or less in diameter are permitted accessory uses in all residential and nonresidential zoning districts. Such dishes shall not be located within the public right-of-way.

b. *Large Satellite Dish Antennas.*

(1) Satellite dish antennas measuring one (1) meter or more are permitted accessory uses in all zoning districts. Any roof-mounted dishes shall submit an engineer's certificate to the City. Such dishes shall not be located within the public right-of-way.

(2) As applied only to large satellite dish antennas accessory to a principal residential use, to the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, such antennas shall:

(a) Be located in the rear yard of the residential use; and

(b) Be screened from view from adjacent public rights-of-way; and

(c) Be of a color harmonious with their surroundings. There shall be no advertising in words or pictures, other than the manufacturer's name in small letters.

4. **Service Unit or Facility.** Service units or facilities shall be allowed as accessory uses in the MU-R-3-B district. Such uses include, but are not limited to, barber or beauty shops, gift shops, coffee shops, and dining facilities for the convenience of the tenants. Such uses shall comply with underlying zone district requirements, including the dimensional requirements set forth in Section 16-6-1 EMC.

5. **Swimming Pool.** Swimming pools are allowed as accessory uses in all districts. See Title 8 EMC.

6. **Wholesale Sales and Distribution.** Wholesale sales and distribution shall be allowed as an accessory use in MU-B-1 and MU-B-2 districts provided the principal use maintains an active retail license and is open to the public for retail trade.

D. *Prohibited Accessory Uses.*

1. *Prohibited in All Zoning Districts.* The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:

- a. *Use of Travel Trailer or Recreational Vehicle (RV) as a Residence.* The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
  - b. *Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business.* The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
    - (1) The sale of goods or merchandise at a City-approved or sponsored event; or
    - (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
    - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
    - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.
2. *Prohibited in Residential Zoning Districts.* The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
- a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
  - b. *Outdoor Storage of Inoperative Vehicles.* The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
  - c. *Parking of Commercial Vehicles.*
    - (1) No commercial vehicle shall be stored on public property or in the public right-of-way.

**[EDITORS NOTE:** Parking on private property issues were passed by initiative Ballot Question 2D on November 1, 2011 and can only be revised, repealed, or amended by electoral vote. (Englewood Home Rule Charter Article VI, Section 48.)

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, Subsection B, entitled “*Definition of Words, Terms, and Phrases*” of the Englewood Municipal Code 2000, to read as follows:

*Home Occupation:* Any use conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the primary use of the dwelling for dwelling purposes and does not change the character thereof. Such uses must meet all conditions and requirements for the particular zone in which such use is located.

[EDITORS NOTE: The remaining definitions contain no changes and are therefore not included here]

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced on first reading on the 18<sup>th</sup> day of November, 2013 and tabled.

Introduced, read in full, amended and passed as amended on first reading on the 21st day of January, 2014.

Published by Title as amended a Bill for an Ordinance in the City's official newspaper on the 24th day of January, 2014.

Published as amended a Bill for an Ordinance on the City's official website beginning on the 22nd day of January, 2014 for thirty (30) days.

ATTEST:

\_\_\_\_\_  
Randy P. Penn, Mayor

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of Bill for an Ordinance as amended, introduced, read in full, and passed on first reading on the 21<sup>st</sup> day of January, 2014.

---

Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 11 c i	<b>Subject:</b> Resolution appropriating funds for a variety of capital projects not included in the 2014 Budget
<b>Initiated By:</b> Finance and Administrative Services Department		<b>Staff Source:</b> Frank Gryglewicz, Director

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council has continually supported acquiring, repairing, and upgrading its valuable infrastructure assets. One of the City's outcomes has been "a City that provides and maintains quality infrastructure."

City Council discussed a variety of possible capital projects for funding in 2014 that were not included in the original budget at the January 27, 2014 Study Session.

Council determined to appropriate \$567,000 for Building System Replacements, Road and Bridge Repair, Permit Tracking System development, and a Solar Garden Project.

### RECOMMENDED ACTION

Staff recommends City Council approve the attached resolution for a supplemental appropriation to the 2014 Budget for the following:

#### SOURCES AND USES OF FUNDS:

##### PUBLIC IMPROVEMENT FUND:

##### SOURCE OF FUNDS:

Unassigned Fund Balance	\$567,000
-------------------------	-----------

##### USE OF FUNDS:

Building Systems Replacement	\$300,000
Road and Bridge Repair	\$100,000
Transfer to the Capital Project Fund	<u>\$167,000</u>
Total Uses	\$567,000

##### CAPITAL PROJECTS FUND:

##### SOURCE OF FUNDS:

Transfer in from Public Improvement Fund	\$167,000
--	-----------

##### USE OF FUNDS:

Permit Tracking System Project	\$137,000
Solar Garden Project	<u>\$30,000</u>
Total Use of Fund	\$167,000

## **BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED**

The City of Englewood owns and maintains a wide and varied infrastructure asset base, including, streets, buildings, "rolling stock," computer systems, and other assets. All of these assets require constant monitoring, repairing, upgrading, and replacement.

Many of the City's assets have been in service many years and are approaching the end of their useful lives and will require a comprehensive plan to fund the replacement. The \$300,000 for Building System Replacements is seed money for a program to fund needs in the various buildings the City maintains. The Road and Bridge Repairs will fund repairs on Dartmouth Bridge.

The Permit Tracking System will help improve customer service. The Solar Garden project will help the City in its "green" energy efforts.

The attached memorandum from Deputy Manager Flaherty is provided for additional information.

### **FINANCIAL IMPACT**

This action will reduce the Public Improvement Fund's Unassigned Fund Balance by \$567,000.

### **LIST OF ATTACHMENTS**

Memorandum from City Manager's Office re: 2014 Capital Project Appropriations  
Proposed Resolution



# Memorandum

City Manager's Office

**TO:** Mayor Penn and Members of City Council

**THROUGH:** Gary Sears, City Manager

**FROM:** Michael Flaherty, Deputy City Manager

**DATE:** February 11, 2014

**SUBJECT:** 2014 Capital Project Appropriations

During the January 27, 2014 City Council Study Session, Council gave approval for formal consideration of appropriations for four capital projects:

- |                                  |           |
|----------------------------------|-----------|
| • Building Systems Replacement   | \$300,000 |
| • Road and Bridge Repair         | \$100,000 |
| • Permit Tracking System Project | \$137,000 |
| • Solar Garden Project           | \$ 30,000 |

The appropriations resolution will come forward on February 18, 2014. The resolution appropriates funds for each of the above projects; however, any subsequent contracts related to these projects will be subject to Council review and approval. The specifics of each project are described below.

- Building Systems Replacement – The Public Works Director and Buildings Operation Manager will establish priorities from the several building systems projects and implement the most critical.
- Road and Bridge Repair – The appropriation will fund a replacement of a “test section” of the Dartmouth Bridge over the South Platte River.
- Permit Tracking System – The Information Technology Director, with input from affected department directors and staff, will initiate a review of the City’s current “Trakit” software system and plan for implementation of system upgrades for on-line functionality.
- Solar Gardens Project – City staff will evaluate proposals from the Clean Energy Collective, the firm that is administering the Arapahoe County solar array on behalf of Xcel Energy. An agreement for City purchase, or lease purchase, of solar panels will be established.

In addition to the supplemental appropriations being considered on February 18, additional capital funding remains available, should Council wish to consider projects not currently included. Those projects for which funding could be considered at a later date include Fire Department equipment, a City Council meeting web-streaming system and the Hampden Avenue streetscape design. Two projects presented on January 27 have been withdrawn by Department Directors include the Police locker room remodeling project and 2014 funding for the River Run trailhead at Broken Tee Golf Course. These projects will either be deferred or funded from other sources.

RESOLUTION NO. \_\_\_\_\_  
SERIES OF 2014

A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF FUNDS TO THE 2014 BUDGET FOR A VARIETY OF CAPITAL PROJECTS THAT WERE NOT INCLUDED IN THE 2014 BUDGET.

WHEREAS, the City of Englewood is required by City Charter to ensure that expenditures do not exceed legally adopted appropriations; and

WHEREAS, the 2014 Budget was submitted and approved by the Englewood City Council on October 21, 2013; and

WHEREAS, the City Council of the City of Englewood has continually supported acquiring, repairing, and upgrading its valuable infrastructure assets; and

WHEREAS, one of the City's outcomes has been "a City that provides and maintains quality infrastructure"; and

WHEREAS, City Council discussed a variety of possible capital projects for funding in 2014 that were not included in the original 2014 Budget; and

WHEREAS, the Englewood City Council desires to appropriate \$567,000 for Building System Replacements, Road and Bridge Repair, Permit Tracking System development, and a Solar Garden Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Budget for the City of Englewood, Colorado, is hereby amended for the year 2014, as follows:

**2014 SUPPLEMENTAL APPROPRIATION**

**PUBLIC IMPROVEMENT FUND:**

**SOURCE OF FUNDS:**

Unassigned/Unrestricted Reserves	\$567,000
----------------------------------	-----------

**USE OF FUNDS:**

Building Systems Replacement	\$300,000
Road and Bridge Repair	\$100,000
Transfer to the Capital Project Fund	<u>\$167,000</u>
Total Use of Funds	\$567,000

**CAPITAL PROJECTS FUND:**

**SOURCE OF FUNDS:**

Transfer in from Public Improvement Fund \$167,000

**USE OF FUNDS:**

Permit Tracking System Project \$137,000  
Solar Garden Project \$ 30,000  
Total Use of Fund \$167,000

Section 2. The City Manager and the Director of Finance and Administrative Services are hereby authorized to make the above changes to the 2014 Budget for the City of Englewood.

ADOPTED AND APPROVED this 18th day of February, 2014.

ATTEST:

\_\_\_\_\_  
Randy P. Penn, Mayor

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. \_\_\_\_\_, Series of 2014.

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 11 c ii	<b>Subject:</b> Purchase – Oil Distributor
<b>Initiated By:</b> Public Works	<b>Staff Source:</b> Brad Hagan, Streets Maintenance Manager Pat White, Fleet Manager	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

### RECOMMENDED ACTION

Staff recommends that City Council approve by motion the purchase of one (1) Oil Distributor for the amount of \$60,493. Staff recommends awarding the bid to the lowest acceptable bidder, Macdonald Equipment Company.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

Current Unit is a 1997 PB Loader oil distributor. Normal replacement of a unit of this type would be 12 years of service. This unit requires an employee to ride on the back of the trailer while being pulled by a dump truck for operation, which is an unsafe manner of operation.

This unit does not have a “reverse flow” feature which requires the oil in the spray bar to be flushed either on the street or on another surface, which creates an environmental concern. The replacement will correct these issues.

### FINANCIAL IMPACT

Funds are available in the Public Improvement Fund (PIF).

### LIST OF ATTACHMENTS

Copy of Bid Proposal  
Bid Tabulation Sheet

COPY

BID PROPOSAL  
#IFB-14-001  
Trailer Mounted 1000 Gallon Maintenance Distributor

ITEM NO.	DESCRIPTION	Qty.	BID PRICE
1.	Trailer Mounted 1000 Gallon - Maintenance Distributor	1	\$ 60,493 <sup>00</sup>
2.	Operations Manuals	3	\$ 0
3.	Parts & Service Manual	1	\$ 0
Total Bid			\$ 60,493 <sup>00</sup>

Estimated date of delivery 10-12 WEEKS ARO

**Brochures and Literature:** Your proposal must be accompanied by descriptive literature indicating the exact items to be furnished. The term "as specified" will not be acceptable.

Each Proposing Firm shall determine prior to submitting a Bid, that they have received all addenda issued, and will acknowledge the receipt. Receipt of copies of the following amendment(s) is (are) hereby acknowledged:

Amendment No(s).	Date Acknowledged	Bidder's Signature
<u>NONE</u>		

**ALL MATERIAL F.O.B. CITY OF ENGLEWOOD**  
2800 South Platte River Drive  
Englewood, CO 80110

Price quote firm for ninety (90) days.

Exceptions: NONE

BY: Bill Phelps 1/28/2014  
Name Bill Phelps Date

Signature Bill Phelps  
General Manager

Title Macdonald Equipment

Company 7333 Hwy 85, Commerce City, Co 80022

Address (303) 287-7401 (303) 287-7404  
Phone Fax

**City of Englewood Bid Tabulation Sheet**

Bid Opening Date: January 28, 2014 2:00 P.M. MST

<b>Apparent Low Bidder</b>
----------------------------

ITEM BID: IFB-14-001 Trailer Mounted 1000 Gallon Maintenance Distributor

Vendor	Trailer Mounted 1000 Gallon Maintenance Distributor	Operations Manuals X3	Parts & Service Manual	Total Bid	Exceptions:
Municipal and Contractors Equip, Co.					Stepp STRD-1000 pumps only 100
13762 Colorado Blvd., #124/144					GPM. See exception sheet for
Thornton, CO 80602-6919					other exceptions
J.R. McMahan - General Manager					
303-450-1034	\$ 51,314.00	No Charge	No Charge	\$ 51,314.00	
Macdonald Equipment Co.					None
7333 Hwy 85					
Commerce City, CO 80022					
Bill Phelps - General Manager					
303-287-7401	\$ 60,493.00	No Charge	No Charge	\$ 60,493.00	

## COUNCIL COMMUNICATION

<b>Date:</b> February 18, 2014	<b>Agenda Item:</b> 11 c iii	<b>Subject:</b> Purchase - Ford F-550 Dump Truck
<b>Initiated By:</b> Public Works		<b>Staff Source:</b> Brad Hagan, Streets Maintenance Manager Pat White, Fleet Manager

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council approved the purchase of a dump truck in the 2014 Budget, and funding is available through the Capital Equipment Replacement Fund (CERF).

### RECOMMENDED ACTION

Staff recommends that City Council approve by motion the purchase of one (1) Ford F-550 truck equipped with a Hook-n-Go system of dump body and flat bed. This bid was obtained through the State of Colorado, Fleet Management bid system.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This unit replaces Unit 3303, a 2004 Freightliner dump truck that has met the criteria for replacement of years of service, hours of use, and maintenance dollars spent. The new unit will be able to convert to a flat bed truck or a dump body truck, dependent upon the departmental need.

### FINANCIAL IMPACT

Funding for the purchase of a Ford-550 Dump Truck was approved and budgeted in the 2014 Capital Equipment Replacement Fund (CERF). Staff recommends purchasing the vehicle through a state bid in the amount of \$75,378.

### LIST OF ATTACHMENTS

State Award  
Vendor Quote  
New Vehicle Sheet

Award 0.7000YYY BOM

Colorado State Fleet Management  
2014 VEHICLE SPECIFICATIONS  
Dealers Invitation to Bid

Original

Class: Equipment (> 1 Ton)      Body Code: T6      CAB/CHASSIS 2 TON (DRW)  
Representative Models: 1: DODGE      5500      2: FORD      F550 Truck  
3:           4:

MAKE: Ford      MODEL: F550      OEM MODEL #: F5H      TRIM LEVEL: XL      OEM CODE: 660A

STANDARD SPECIFICATIONS:

OEM CODE    INDICATE ACTUAL DEALER SPECIFICATIONS

101	PASS: 3 PERSONS MIN.	YES	REGULAR CAB
110	DOORS: 2 SIDE DOORS	YES	
130	CAB/CHASSIS LESS BED	YES	
140	TIRES: ALL SEAS M&S RADIAL	YES	
146	FULL SIZE SPARE TIRE	512	
197	ENG MIN CYL: 8	YES	6.7 Power Stroke
261	DUAL REAR WHEELS	YES	
300	AIR CONDITIONING - R134a	YES	
302	RADIO: AM/FM	YES	
307	POWER BRAKES & POWER STEERING	YES	
308	ABS BRAKES	YES	
311	SEATS: VINYL SEATS	YES	
321	FLOORING: RUBBER	YES	
340	AIR BAG - DRIVER SIDE	YES	
400	MIRRORS: RIGHT AND LEFT	YES	
404	INTERMITTENT WIPERS	YES	
410	TRANSMISSION: AUTOMATIC	YES	
415	FOUR-WHEEL DRIVE	YES	
418	AUTOMATIC LOCKING FRONT HUBS	YES	
436	HEAVY DUTY COOLING	YES	
521	HEAVY DUTY ALTERNATOR	YES	200 AMP H.D.
700	ENG MIN DISP: 6.4L DIESEL	YES	6.7 Power Stroke
707	FUEL TANK: 40 GAL MIN	YES	40 GAL AFT AXLE
711	GVW RATING: 17,950 60" CA MIN	YES	141" WHEELBASE
752	AXLE RATIO: SPECIFY	YES	4.10 REG AXLE
911	PRIMARY FUEL: DIESEL	YES	
991	STD WRNTY - BUMPER TO BUMPER 3/36	YES	

STANDARD VEHICLE BASE PRICE \$ 36,928<sup>00</sup>

AVAILABLE OPTIONS:  
097 CREW CAB (4 DOORS): SPECIFY CA

OEM CODE ACTUAL / COMMENTS  
W5H/60" C.A. / 176" WHEELBASE

PRICE  
\$3,750<sup>00</sup>



Colorado State Fleet Management  
 2014 VEHICLE SPECIFICATIONS  
 Dealers Invitation to Bid

Original

8/29/2013

Class: Equipment (> 1 Ton)      Body Code: TE      CAB/CHASSIS 2 TON (DRW)  
 Representative Models: 1: DODGE      5500      2: FORD      F550 Truck  
 3:           4:

MAKE: FORD      MODEL: F550      OEM MODEL #: FSH      TRIM LEVEL: XL      OEM CODE: 680A

AVAILABLE OPTIONS:	OEM CODE	ACTUAL / COMMENTS	PRICE
484 STAKE BED w/ HEADBD REQ 60" CA (attchmt)	484	SEE ATTACHMENT	\$4,355.00
491 UTILITY BODY REQ 60" CA (attachment)	491	SEE ATTACHMENT	\$6,125.00
516 LEFT DOOR POST SPOTLIGHT (50W)	516		\$295.00
520 POWER LOCKS	90L	POWER GROUP	\$895.00
526 POWER MIRRORS	90L	POWER GROUP	\$895.00
530 POWER WINDOWS	90L	POWER GROUP	\$895.00
541 DELETE DAYTIME/AUTO HEADLIGHTS		NOT APPLICABLE	0
599 AM/FM CD PLAYER	585		\$275.00
608 GVW OPTION: SPECIFY	68M	REQUIRES 68M AND XBL AXLE 19,500	\$4,515.00
607 GVW OPTION: SPECIFY		NO OTHER	0
608 HYBRID GAS/ELECTRIC		NOT AVAILABLE	0
643 ADD DAYTIME RUNNING LIGHTS	942		\$45.00
670 SEE EXHIBIT A			0
693 MEETS 2010 FED EMISSIONS DIESEL ENG	YES		0
694 DIESEL ENG B20 COMPLIANT	YES		0
709 84" CA	165"	WHEEL BASE	\$175.00
710 108" CA	189"	WHEEL BASE	\$350.00
763 PHEV (PLUG IN HYBRID ELEC VEH)		NOT AVAILABLE	0
780 UPFITTER SWITCHES	665		\$125.00
842 DUMP BODY 9 FOOT	842		\$8,875.00
982 EXT WARRANTY - POWER TRAIN 5/100,000		NOT AVAILABLE	0

Spradley Barr Ford Lincoln of Greeley INC  
 4901 29th St  
 Greeley, CO 80634  
 John Wieneke  
 Commercial Accounts Manager  
 Phone: 970-506-3621  
 Fax: 970-506-3674  
 Cell: 970-673-2179

Spradley Barr Ford Lincoln of Greeley INC  
 4901 29th St  
 Greeley, CO 80634  
 John Wieneke  
 Commercial Accounts Manager

Phone: 970-506-3621  
 Fax: 970-506-3674  
 Cell: 970-673-2179

Original

Class: Equipment (> 1 Ton)      Body Code: T5      CAB/CHASSIS 2 TON (DRW)  
Representative Models: 1: DODGE      5500      2: FORD      F550 Truck  
3:           4:

MAKE: FORD    MODEL: F-550    OEM MODEL #: FSH    TRIM LEVEL: XL    OEM CODE: 660A

AVAILABLE COLORS:    Please attach manufacturer color chart - ATTACHED

OTHER VEHICLE SPECIFICATIONS / OPTIONS    (Please attach separate sheet if necessary)    PRICE  
PLEASE SEE ATTACHED PRICE LIST FOR AVAILABLE OPTIONS

STANDARD FACTORY WARRANTY (Attach detailed description):

	MILES	MONTHS
Bumper to Bumper	<u>36,000</u>	<u>36</u>
Drive Train	<u>60,000</u>	<u>60</u>
Other <u>ROADSIDE ASSISTANCE</u>	<u>60,000</u>	<u>60</u>

OPTIONAL FACTORY WARRANTY (Attach detailed description):

	MILES	MONTHS	PRICE
<u>NOT AVAILABLE</u>	<u>0</u>	<u>0</u>	<u>0</u>

EPA FUEL RATING: N/A M.P.G CITY,      N/A M.P.G HIGHWAY

OEM MINIMUM FUEL RATED OCTANE: 85 GASOLINE

DELIVERY: 60-180 DAYS FROM DEALER RECEIPT OF ORDER FROM STATE (E.G. 90 DAYS)

IDENTIFY ANY EXCEPTIONS TO SPECIFICATIONS:

DEALER NAME: Spradley Barr Ford Lincoln of Greeley INC  
4901 28th St  
DEALER PHONE: Greeley, CO 80634  
John Wieneke  
Commercial Accounts Mgr.

BIDDER'S NAME: JOHN WIENEKE  
SIGNATURE: [Signature]

Phone: 970-508-3621  
Fax: 970-506-3674  
Cell: 970-673-2179

Prepared For:

CITY OF ENGLEWOOD (QCISI)  
07000 YYY 80 M

Prepared By:

John Wieneke  
Spradley Barr Ford, Greeley  
4901 29th Street  
Greeley, California, 80634  
Phone: 970-506-3621  
Fax: 970-506-3674



## Vehicle Profile

## 2014 Ford F-550 Chassis

4x2 SD Regular Cab 165" WB DRW XL (F5G)

### Powertrain

Powerstroke 6.7L V-8 OHV direct diesel injection 32 valve intercooled turbo diesel engine \* 200 amp HD alternator \* 750 amp (total) 78 amp hours (Ah) (total) battery dual batteries with run down protection \* Engine block heater \* 6-speed electronic SelectShift automatic transmission with overdrive, lock-up, driver selection \* Rear-wheel drive \* Limited slip differential, driveline traction control, power take-off provision \* 4.88 axle ratio \* Stainless steel exhaust

### Steering and Suspension

Hydraulic power-assist re-circulating ball steering \* 4-wheel disc brakes with front and rear vented discs \* Firm ride suspension \* Mono-beam non-independent front suspension \* Front anti-roll bar \* Front coil springs \* HD front shocks \* Rigid rear axle \* Rear leaf suspension \* Rear anti-roll bar \* HD rear leaf springs \* HD rear shocks \* Front and rear 19.5" x 6.00" argent steel wheels \* LT225/70SR19.5 BSW AS front and rear tires \* Frame mounted mounted full-size steel spare wheel

### Safety

4-wheel anti-lock braking system \* Dual airbags, passenger side front-impact cancellable airbag, seat mounted driver and passenger side-impact airbags, curtain 1st row overhead airbag \* Front height adjustable seatbelts

### Comfort and Convenience

Air conditioning \* AM/FM stereo, clock, seek-scan, 2 speakers, fixed antenna \* 2 12V DC power outlets, back-up alarm \* Analog instrumentation display includes tachometer, engine temperature gauge, turbo/supercharger boost gauge, transmission fluid temp gauge, engine hour meter, exterior temp, systems monitor, trip odometer \* Warning indicators include oil pressure, engine temperature, battery, lights on, key, low fuel, door ajar, service interval, brake fluid \* Steering wheel with tilt and telescopic adjustment \* Manual front windows with light tint \* Variable intermittent front windshield wipers \* Passenger side vanity mirror \* Day-night rearview mirror \* Interior lights include dome light with fade, front reading lights \* Glove box, front cupholder, instrument panel bin, dashboard storage \* Upfitter switches

### Seating and Interior

Seating capacity of 3 \* 40-20-40 split-bench front seat with adjustable head restraints, center armrest with storage \* 4-way adjustable driver seat includes lumbar support \* 4-way adjustable passenger seat \* Cloth faced front seats with carpet back material \* Full cloth headliner, full vinyl/rubber floor covering, urethane gear shift knob, chrome interior accents

### Exterior Features

Side impact beams, front license plate bracket, fully galvanized steel body material \* Black fender flares \* Black side window moldings, black front windshield molding \* Black door handles \* Black grille \* 2 doors \* Trailer harness, brake controller \* Driver and passenger manual black folding manual extendable trailer outside mirrors \* Front black bumper with front tow hooks \* Aero-composite halogen headlamps \* Additional exterior lights include cab clearance lights, underhood light \* Clearcoat monotone paint

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT05208919 1/2/2014

Printed on January 13, 2014 at 12:45

Price Level: 420

QuoteID: <None>

Page 1

## Vehicle Profile Continued

Prepared By: John Wieneke  
Dealership: Spradley Barr Ford, Greeley

### Exterior Features (Continued)

#### Warranty

Basic .....	36 month/36,000 miles	Powertrain .....	60 month/60,000 miles
Corrosion Perforation .....	60 month/unlimited mileage	Roadside Assistance .....	60 month/60,000 miles
Diesel Engine .....	60 month/100,000 miles		

#### Dimensions and Capacities

Output .....	300 hp @ 2,800 rpm	Torque .....	660 lb.-ft. @ 1,600 rpm
1st gear ratio .....	3.974	2nd gear ratio .....	2.318
3rd gear ratio .....	1.516	4th gear ratio .....	1.149
5th gear ratio .....	0.858	6th gear ratio .....	0.674
Reverse gear ratio .....	3.128	Curb weight .....	7,790 lbs.
GVWR .....	19,500 lbs.	Front .....	6,500 lbs.
Rear GAWR .....	14,706 lbs.	Payload .....	11,843 lbs.
Front curb weight .....	4,498 lbs.	Rear curb weight .....	3,292 lbs.
Front axle capacity .....	7,000 lbs.	Rear axle capacity .....	14,706 lbs.
Front spring rating .....	6,500 lbs.	Rear spring rating .....	15,000 lbs.
Front tire/wheel capacity .....	7,500 lbs.	Rear tire/wheel capacity .....	15,000 lbs.
Towing capacity .....	16,000 lbs.	5th-wheel towing capacity .....	17,200 lbs.
Front legroom .....	41.1 "	Front headroom .....	40.7 "
Front hiproom .....	67.6 "	Front shoulder room .....	68.0 "
Passenger area volume .....	65.9 cu.ft.	Length .....	250.5 "
Body width .....	93.9 "	Body height .....	80.7 "
Wheelbase .....	165.0 "	Cab to axle .....	84.0 "
Axle to end of frame .....	47.6 "	Front tread .....	74.8 "
Rear tread .....	74.0 "	Turning radius .....	24.3 '
Fuel tank .....	40.0 gal.	Rear frame height loaded .....	27.9 "
Rear frame height unloaded .....	33.4 "		

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CTD5208919 1/2/2014

Prepared For:

CITY OF ENGLEWOOD (QC151)

Prepared By:

John Wieneke  
Spradley Barr Ford, Greeley  
4901 29th Street  
Greeley, California, 80634  
Phone: 970-506-3621  
Fax: 970-506-3674



### Selected Options

### 2014 Ford F-550 Chassis

4x2 SD Regular Cab 165" WB DRW XL (F5G)

<b>Vehicle Snapshot</b>	<b>Engine:</b> 6.7L 4V OHV Power Stroke Diesel V8 B20 <b>Transmission:</b> TorqShift 6-Speed Auto w/OC <b>Rear Axle Ratio:</b> Limited Slip w/4.88 <b>GVWR:</b> 19,500 lb Payload Plus Upgrade Package
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Code	Description	Class
F5G	Base Vehicle Price (F5G)	STD
<b>Packages</b>		
660A	<b>Order Code 660A</b> <i>(99Y) Engine: 6.8L 3-Valve SOHC EFI NA V10; (44T) Transmission: TorqShift 5-Speed Auto w/OD : Includes SelectShift.; (X48) 4.88 Axle Ratio; (STDGV) GVWR: 18,000 lbs Payload Package; (TFB) Tires: 225/70Rx19.5G BSW AS (6); (64Z) Wheels: 19.5" Argent Painted Steel (6); (A) HD Vinyl 40/20/40 Split Bench Seat : Includes driver side manual lumbar support, center armrest, cupholder and storage.; (587) Radio: AM/FM Stereo w/Digital Clock : Includes 2 speakers.</i>	OPT
<b>Emissions</b>		
425	50 State Emissions System	OPT
<b>Powertrain</b>		
99T	<b>Engine: 6.7L 4V OHV Power Stroke Diesel V8 B20</b> <i>200 Amp Extra Heavy Duty Alternator; (X41) 4.10 Axle Ratio; Dual 78 AH Batteries. Includes clean idle decal and intelligent oil life minder. Torque: 660 ft.lbs. @ 1600 rpm.</i>	OPT
44W	<b>Transmission: TorqShift 6-Speed Auto w/OD</b> <i>Includes SelectShift.</i>	OPT
X8L	Limited Slip w/4.88 Axle Ratio	OPT
68M	<b>GVWR: 19,500 lb Payload Plus Upgrade Package</b> <i>Includes upgraded frame, upgraded springs and low deflection/high capacity. Increases max RGAWR to 14, 706. NOTE: See Order Guide Supplemental Reference for further details on GVWR.</i>	OPT
<b>Wheels &amp; Tires</b>		

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT05208919 1/2/2014

**Selected Options Continued**

Prepared By: John Wieneke  
 Dealership: Spradley Barr Ford, Greeley

Code	Description	Class
TFB	Tires: 225/70Rx19.5G BSW AS (6)	INC
64Z	Wheels: 19.5" Argent Painted Steel (6)	INC
512	Spare Tire & Wheel <i>(61J) 6-Ton Hydraulic Jack. Excludes carrier. REQUIRED in Rhode Island.</i>	OPT
<b>Seats &amp; Seat Trim</b>		
1	Cloth 40/20/40 Split Bench Seat <i>Includes center armrest, cupholder and storage.</i>	OPT
<b>Other Options</b>		
PAINT	Monotone Paint Application	STD
165WB	165" Wheelbase/84" Cab to Axle	STD
41H	Engine Block Heater (Regional) <i>Standard in Alaska, Colorado, Iowa, Idaho, Massachusetts, Maine, Michigan, Minnesota, Montana, Nebraska, North Dakota, New Hampshire, New York, South Dakota, Vermont, Wisconsin and Wyoming.</i>	OPT
61J	6-Ton Hydraulic Jack <i>REQUIRED in Rhode Island.</i>	INC
62R	Transmission Power Take-Off Provision	OPT
52B	Trailer Brake Controller <i>Verified to be compatible with electronic-actuated drum brakes only.</i>	OPT
587	Radio: AM/FM Stereo w/Digital Clock <i>Includes 2 speakers.</i>	INC
76C	Exterior Back-Up Alarm (LPO) <i>Pre-installed custom accessory.</i>	OPT
<b>Interior Colors For : Primary w/XL (regs)</b>		
1S	Steel	OPT
<b>Primary Colors For : Primary w/XL (regs)</b>		
Z1	Oxford White	OPT

Vehicle Subtotal

Destination

Vehicle Subtotal (including Destination)

STATE BID PRICING  
 TRUCK AS SPEC'D = \$36,957<sup>00</sup>

+ HOOK-N-GO SYSTEM

SEE ATTACHED

**Spradley Barr Ford Lincoln of Greeley INC**  
 4901 29th St  
 Greeley, CO 80634  
 John Wieneke  
 Commercial Accounts Manager

Phone: 970-506-2624

Fax: 970-506-3674  
Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this information. See salesperson for the most current information. Telephone: 970-506-2624

Cell: 970-673-2179

# KOIS EQUIPMENT CO., INC.

5200 COLORADO BLVD. COMMERCE CITY, CO 80022  
 PHONE: 303-298-7370 FAX: 303-298-8527  
 www.koisbrothers.com

DATE 01/17/14 PAGE 1  
 QUOTE NO. 14-2009  
 \*\*\* QUOTE \*\*\*

SOLD TO:  
 CITY OF ENGLEWOOD  
 MR. PAT WHITE 303-503-0413  
 2800 PLATTE RIVER DR.  
 ENGLEWOOD CO 80110

SHIP TO:  
 CITY OF ENGLEWOOD  
 MR. PAT WHITE 303-503-0413  
 2800 PLATTE RIVER DR.  
 ENGLEWOOD CO 80110

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CUSTOMER PO	CUSTOMER NUM	SHIP VIA	SALESMAN	TERMS	CUSTOMER PHONE
QUOTE/BID	5525	FOB ENGLEWOOD	2	NET 10	303-762-2413

=====

Dear John,  
 We are pleased to submit the following quotation for your consideration. The equipment we are providing is supplying the best possible solution to your equipment needs. We strive to give the highest quality of equipment so that your up time is maxmized. Please review the quote and let us know if there is anything we can change for you.  
 Thank you,

*Handwritten marks*

Jesse mckinley

PART NUMBER	DESCRIPTION	QTY	ORD	UOM	PRICE	EXTENDED
STELLAR FLEX36	*84-10 HOOKLIFT 10-12' CONTNRS	1.00		EA	17,036.00	17,036.00
PTO AUTO TRANNY	*FOR FORD SUPERDUTY	1.00		EA	1,920.00	1,920.00
POLY FENDERS	*SINGLE AXLE DUAL REAR WHEELS	1.00		EA	932.00	932.00
BUMPER 16K	*W/ RECIEVER TUBE & LED LT KIT	1.00		EA	1,188.00	1,188.00
ICC SAFETY KIT	*FIRE EXTINGUISHER & REFLECTOR	1.00		EA	160.00	160.00
TRAILER PLUG	*7 PIN ROUND	1.00		EA	210.00	210.00
10'X96" 1/8" FLTBD	*FLTBD W/HOOKLIFT FRAME	1.00		EA	4,485.00	4,485.00
10' DUMP	*DUMP BODY WITH SIDES AND BACK	1.00		EA	8,290.00	8,290.00

All returned goods must be accompanied by invoice and are subject to handling charge after 30 days.

\*\*\*NO RETURNS AFTER 90 DAYS\*\*\*

A SERVICE CHARGE OF 2% PER MONTH, 24% PER ANNUM WILL BE ADDED TO ANY INVOICE NOT PAID. BY THE LAST DAY OF THE MONTH IN WHICH IT IS DUE. WE ARE CONFORMING WITH THE FAIR LABOR STANDARTDS ACT OF 1938 AS AMENDED. NOT RESPONSIBLE FOR TIMELOST DUE TO FIRES, STRIKES OR CAUSES BEYOND OUR CONTROL. STENGGRAPHICAL AND CLERICAL ERRORS SUBJECT TO CORRECTION  
 THANK YOU FOR ALLOWING US TO QUOTE THESE ITEMS. YOUR COST IS

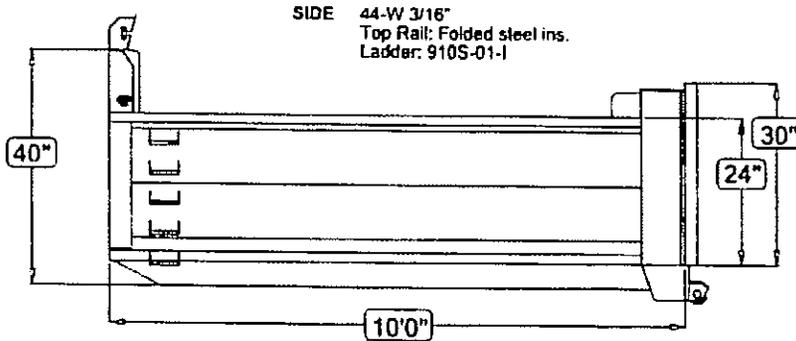
Sub Total	34,221.00
Sales Tax	0.00
F.E.T.	0.00
Freight	<del>3,721.00</del>
	----- 4,200.00
TOTAL	<del>37,921.00</del>

→ 38,421<sup>00</sup>

<b>QUOTE #7036</b>  	<b>Customer:</b> KOIS BROTHERS EQUIPEMENT COMPANY 7370 <b>Contact:</b> Jesse McKinley Sales rep.: Jeremy D'Brox <b>Address:</b> 5200 Colorado Blvd. COMMERCE CITY, CO  <b>Phone:</b> 1-303-298-7370 <b>Fax:</b> <b>Email:</b>	<b>Quotation Date:</b> 1-15-2014  <b>Valid until:</b> 2-14-2014 <b>Quoted by:</b> Jeremy D'Brox	
	<b>MODEL:</b> HLCSS - 10'0" X 24" X 30"		

**SIDE VIEW**

**CAB SHIELD**  
None  
Front mount  
Windscreen



**Dump body base price**

**FRONT**  
Tarp kit selection 133-21-ALP  
Hook-lift syst. model 84-10

**SIDES**  
Close top of fold Yes

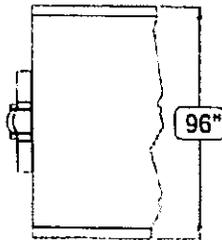
**TAILGATE**  
Tailgate latch mech. Manual

**REAR**  
Hook-lift rear rollers 750-02X1 (6 5/8" Dia.)

**DISCOUNTS**  
US Price Discount 4%

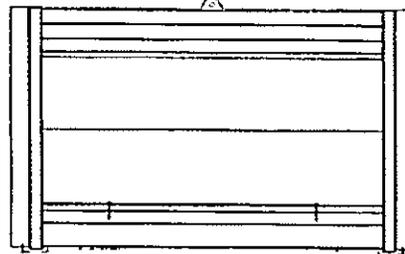
**TOP VIEW**

**FRONT**  
44-W 3/16"  
90 deg. corners  
Recess: Flat front  
Stellar 84-10



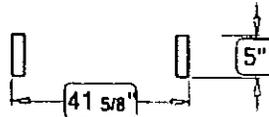
**REAR & TAILGATE**  
44-W 3/16"  
Slope: Straight  
Latch Mec.: Manual  
Hinge: Std 3/4"  
Side Light Holes: No  
Municipal Bumper

**REAR VIEW**



**FLOOR**  
44-W 3/16"  
Non-heatable

**SILLS**  
Tubing 5"x2"x1/4"



Drawings are not scaled but give a general view of the chosen features

**NOTES:** \* Please confirm Front Height. \*

16/01/2014 1:14:03 PM

Total in US:

Grand total in US\$

Terms: Prices per unit in US \$ F.O.B Vars, Customs brokerage fees to consignee

**SERVICENTER GARAGE**

**SUMMARY SPECIFICATION SHEET  
FOR  
NEW VEHICLES**

STATE AWARD # 07000YYY80M

ENGLEWOOD BID# \_\_\_\_\_

MANUFACTURER OF VEHICLE Ford

MODEL OF VEHICLE F 550

AIR CONDITIONING                      **YES**                      **NO**

AUTOMATIC TRANSMISSION            **YES**                      **NO**

POWER WINDOWS                        **YES**                      **NO**

POWER DOOR LOCKS                    **YES**                      **NO**

4 WHEEL DRIVE                         **YES**                      **NO**

FLEX FUEL OPTION                      **YES**                      **NO**

CERF REPLACEMENT                   **YES**                      **NO**

NEW ADDITION TO FLEET              **YES**                      **NO**

DEPARTMENT VEHICLE ASSIGNED TO Street Division 021003

COMMENTS: This unit will replace Unit 3303, a 2004 Freightliner Dump Truck which has met the years of service, hours of use, and total maintenance dollars spent criteria for replacement. The replacement unit is a Ford 550 equipped with a dump body and is interchangeable with a flatbed (Hook-N-Go system). This will provide the department one (1) vehicle that can perform two different functions. The total cost of this unit is \$75,378.00. The funds are available in the Capital Equipment Replacement Fund and the purchase was approved in the 2014 Budget.